



00110366



could induce two men, each holding a responsible official position in the Colony, to go the lengths they did in bringing charges the most atrocious and the most diabolical one public officer ever brought against another; many of which, the Commissioners appointed to investigate them, declared to be "unnecessary—as it certainly was, most distasteful to them to inquire into," and of the whole of which I was acquitted, although I may have great and just cause to be dissatisfied with the manner in which some of their findings are worded.

I shall now endeavour to reply to the principal accusations against me as they appear in Mr. Anstey's letter to the Secretary of State for the Colonies and in his pamphlet above referred to, and I trust I shall not have much difficulty in proving their entire falsity.

With that dogged tenacity of purpose which characterises Mr. Anstey's proceedings in every matter in which his personal feelings are interested, he has most industriously sought out almost every act of my life, private as well as public, (not excluding even my wife and family in his greedy thirst for slander) whereon to found some charge against me. With a wilful perversion of facts in some instances, deliberate fabrications in others, and the unscrupulous use of the *suppressio veri* as well as the *suggestio falsi* in nearly all of them, he has drawn up an Indictment against me, the like of which, I verily believe, was never before presented to an impartial public to seek a verdict upon.

In speaking of my origin and early career in the Straits and China, Mr. Anstey draws the following false and overcharged picture:

Mr. Caldwell himself is a native of St. Helena and apparently of mixed blood. His father, a common soldier in a local Militia corps, brought him when young to Pulo Penang where and at Singapore his youth was passed in various inferior occupations ashore and afloat. His character was to say the least of it not high at that time; and when Sir George Bonham then administering his Straits Government was promoted to that of Hongkong it was with difficulty, it is said, that His Excellency was induced to tolerate, even in a comparatively inferior post in the Police of Hongkong, the man who had left behind him at Singapore a very damaging notoriety; and who had taken shelter in Canton or Hongkong only to acquire a worse."

That I was born at St. Helena is true; but that I have any more "mixed blood" in me than possibly runs in the veins of Mr. Chisholm Anstey himself is a matter I have yet to learn. My Father was a merchant settled at that place, and, in common with every gentleman then living on the Island, was a member of the "St. Helena Volunteers," a corps formed during the war, and which, I believe, remained in existence during the whole period of Bonaparte's captivity on the Island. He was therefore no more "a common soldier of a local Militia corps" than are any of the barristers of the Temple who have lately enrolled themselves

into a Volunteer Rifle Corps in England, of which Mr. Anstey himself may possibly be a member.

During my short stay at Singapore I was employed as clerk in a mercantile house. I left that place to better my prospects in China, and had done nothing to earn a character of "damaging notoriety" as Mr. Anstey falsely asserts. I left Singapore in 1834, being then barely seventeen years of age, with a letter of introduction from Mr. Alexander Lawrie Johnston, the senior member of the long established house of A. L. Johnston & Co. of that place, to Messrs. Jardine, Matheson & Co. of China. Mr. Johnston was not only the oldest, but was the leading merchant of Singapore. His introduction and recommendation of me at this time to the house of Messrs. Jardine, Matheson & Co. is the best answer I can give to the insinuations of Mr. Anstey.

I arrived in China during the Napier troubles in 1834, and remained for a few weeks at Lintin on board of Messrs. Jardine, Matheson & Co.'s receiving-ship the *Hercules*. While there, Mr. William Jardine introduced me to Mr. Keating, a merchant established at Canton, in whose employ I entered and remained until his death at Macao in 1837. I then became Book-keeper to Mr. Innes also a merchant established at Canton, whom I left in 1838 in consequence of the violent language he used towards me for having sold some pieces of Handkerchiefs to a Chinese merchant who afterwards absconded without paying for them.

Another of Mr. Anstey's charges against me is that during this time I was a smuggler of opium in the Canton River; which, in his usual exaggerated language, he describes as something equivalent to the smugglers of the channel in former times. Every one who knows anything of our mercantile connection with China at that time, is aware that the importation and open sale of opium in Canton was prohibited by the Chinese government. Merchants in Canton who dealt in opium were compelled, in order to effect a sale of the drug, to adopt the best means they could to avoid its seizure by the Mandarins. Mr. Innes did no more than every other merchant who traded in that article; and if to do this, as Mr. Anstey ridiculously asserts, they employed "none but the most daring and atrocious of Chinese outlaws—for none others were qualified to enter the service of the Europeans on board the fast boats so employed—they were in fact nearly all, without exception river pirates of the most desperate character;"—the imputation must apply to every mercantile house then established in Canton.

Mr. Anstey's next aspersion is that "there was a graver report, according to another witness, concerning him, which threw him under a cloud entirely with the community in China: that he had not account-

“ed for the proceeds of some opium which had been entrusted to him for sale. This was in 1840.”

There is not the slightest foundation of any description for this scandalous charge. I was not in Canton at all during the year 1840; and in fact the sale of opium never formed part of my duties. Mr. J. B. Compton, of the house of Messrs. Jardine, Matheson & Co., one of the oldest and most respected residents in Canton, who had known me since my first arrival in China, though not on terms of intimacy with me, gave the following evidence before the Commission of Inquiry :

I have resided in Canton since January 1834. I knew Mr. Caldwell when he first came to Canton about July or August, 1834. I was not then in the house of Jardine, Matheson & Co. I was informed at the time of his arrival that Mr. Caldwell came from Singapore and that he had been in some mercantile establishment there. I knew nothing particular of Mr. Caldwell beyond meeting him occasionally in the neighbourhood of Canton. He was in the employ of Mr. Keating and subsequently in that of Mr. Innes. I was under the impression that he had a letter either to Mr. Jardine or to Mr. Matheson and that it was one or other of those gentlemen who got him the situation with Mr. Keating and with Mr. Innes. During the period of which I speak, no circumstance whatever came to my knowledge reflecting in *the slightest degree* upon Mr. Caldwell's character for honesty.”

The space within which the European residents at Canton at that time lived was so extremely circumscribed, (not exceeding a few hundred feet square) and the members of the community were necessarily so much thrown together, that every little occurrence which took place in that small society (not exceeding a hundred in number) was sure to be known to every member of it almost as soon as it happened. Had I been guilty of the dereliction of duty imputed to me by Mr. Anstey, the circumstance could not have failed to reach the ears of Mr. Compton.

As to what Mr. Anstey is pleased to assert of Sir George Bonham's disinclination to “tolerate” my remaining “even in a comparatively inferior post in the Hongkong Police,” I have only to remark that he has no better authority for this than the unsupported statement of Mr. May.

The following despatch from Sir George Bonham to Earl Grey, referring to some services I had rendered in the destruction of pirates, will shew that His Excellency entertained no such feeling against me :

VICTORIA, HONGKONG, 3rd November, 1849.

MY LORD,—I have the honor to enclose for your Lordship's information copies of four despatches, with enclosures, which I have recently had occasion to address to Lord Palmerston respecting some very successful attacks made against the pirates on the Coast of China by Her Majesty's Sloop *Columbine*, Steamers *Medea* and *Fury*, and the Hon'ble East India Company's Steamer *Phlegethon*, by which your Lordship will perceive that no less than 99 piratical vessels have been destroyed, as well as a very large number of pirates; and that the few that remain are so completely dispers-

ed, as to ensure their being unable to congregate again in any force for a considerable time.

I take this opportunity of bringing particularly to your Lordship's notice the great benefit that the Colony must derive from these energetic measures on the part of Her Majesty's Navy; and I trust that the activity and zeal displayed by Commander John Dalrymple Hay of the *Columbine*, and Commander Robert Willcox of the *Fury*, have been sufficiently conspicuous to authorize your Lordship's bringing their merits to the favorable consideration of the Lords Commissioners of the Admiralty.

I herewith enclose copy of a letter to my address from Commander Hay wherein he speaks in the highest terms of Mr. Daniel Richard Caldwell, Interpreter in the Chinese language and Assistant Superintendent of Police of this Colony. Commander Hay indeed states that without his services he does not think he could have succeeded in the late important operations. I believe that as Mr. Caldwell does not belong to Her Majesty's fleet, he will not be entitled to any of the benefits likely to be derived by those engaged in the destruction of the piratical fleets now reported; but as there cannot be a doubt that it was through Mr. Caldwell's energy and local knowledge that these marauders were discovered and destroyed, I therefore respectfully and earnestly beg to recommend that this gentleman may be considered to have the same claim as Lieutenants engaged in these services in the participation of any head money that may be awarded to the Captors under Act 6. Geo. IV. c. 49; and if this suggestion cannot with reference to the provisions of the act be adopted, I would submit that I be permitted to present Mr. Caldwell with a donation equal in amount to that which an officer of the above rank would be entitled to.

Your Lordship will observe that the duties performed by Mr. Caldwell have been of a most important and responsible nature and totally unconnected with his ordinary official avocations; that he has undergone the same personal fatigue and danger as the officers of the vessels engaged in these expeditions; and I therefore trust he will be considered to be entitled to that notice and compensation which I now respectfully submit to the favorable consideration of your Lordship.—I have, &c.,

S. G. BONHAM.

If Sir George Bonham could "scarcely tolerate" my remaining in the service he would not have penned a despatch so highly eulogistic of myself, nor would he have voluntarily taken the trouble to advocate, in the above strong terms, my claims to the consideration of Her Majesty's Government.*

I have to add to this a portion of Colonel Caine's evidence given before the Commission with reference to the same subject: "I do not remember Sir George Bonham saying or shewing that he had any reluctance to let Mr. Caldwell remain in Government employ. Sir George never in my hearing expressed an unfavorable opinion of his character, and I am not aware of his having done so when I was not

* The Lords Commissioners of the Admiralty decided that I was not entitled under the Act to participate in the distribution of head money awarded to the Navy for these operations; but their Lordships were pleased to mark their sense of my services by presenting me with the sum of £650 on that occasion.

A testimonial of a handsome Breakfast Service of Silver and a purse of £100 was also presented to me by the Captain, Officers, and Crew of the *Columbine* on the same occasion.

“present.” Colonel Caine’s official connection with Sir George Bonham as Colonial Secretary was so close and intimate, that had His Excellency entertained such an opinion, he certainly would have expressed it at some time or other during the seven years of his governorship, and to no one more likely than the Secretary of his government.

Besides this there are private letters of Sir George Bonham still extant, written during his tenure of office in Hongkong, in which he bears willing testimony to the efficient manner in which I discharged the duties of my offices and the satisfaction he felt thereat. Permission has been requested of Sir George to allow me to make public use of the contents of these letters, so far as they relate to myself, but his reply has not yet been received.

Mr. Anstey has, in his pamphlet, given so garbled a statement of Colonel Caine’s evidence before the Commission, that in justice to myself I feel bound to give it in full. The following is from the printed report of the Commissioners:

“The Hon’ble Lient. Colonel William Caine called and examined: I am Lieutenant Governor of this Colony. I first came to China in 1840 and first knew Mr. Caldwell in the same year. He was in the Commissariat department and came with me in the same fleet from Singapore to Chusan.* I think this must have been in June 1840. I may say that I have almost known him uninterruptedly since that time. I have certainly known him uninterruptedly since he joined the Colonial service in 1843. I myself know nothing against his character for honesty and integrity during that period. I first held the office of Chief Magistrate in this Colony. I was then Colonial Secretary and Auditor General and afterwards Lieutenant Governor. I was appointed Chief Magistrate in May 1841 in the infancy of the Colony and had the complete superintendence of the Police at that time. I was ever satisfied with Mr. Caldwell’s conduct and considered him *one of the most efficient servants we had*, always willing and ready to do anything. No reports on which I can place reliance have ever come to my knowledge against him.”

Cross examined.—“I cannot remember Mr. Caldwell bringing before me and Mr. Johnston some pirates who had attacked the brig of which he had command, but I would suggest that the Magistrates’ case-book be examined. The Police reports of the Colony will also shew that Mr. Caldwell has been constantly rendering services to the Navy and been thanked, and if I remember right, rewarded for these services.”

“*Re-examined.*—I have never received any official complaints against Mr. Caldwell: all the complaints I have heard have been merely *idle rumour*—that is what I mean when I say that I have not received any complaints on which I could place reliance. I do not remember any objection to Mr. Caldwell’s taking office in the first instance. Since that, the only circumstance which I have heard against him was his pecuniary difficulties, which caused him to resign the service. I do not remember his pecuniary difficulties being urged as grounds against his taking office. I do not remember Sir George Bonham saying or shewing that he had any reluctance to let Mr. Caldwell remain in Government employ. Sir George never in my hearing ex-

* I had gone to Singapore for the benefit of my health and took employment in the expeditionary force which called at that place on its way to China.

pressed an unfavorable opinion of his character, and I am not aware of his having done so when I was not present. Mr. Caldwell was made at my recommendation either clerk or Interpreter to the Chief Magistrate early in 1843 I think. *That was his first post in the Colonial Service.* The island had very few residents when I took him into the employ. I took him from my own knowledge seeing that he was a smart person and possessed an excellent knowledge of the language. I did not at that time know anything against him. I saw him at Chusan and here and sailed with him over to Macao when he was in command of the *Thistle*. I do not hesitate in saying that every thing I saw of him induced me to recommend him for Government employ, as he would be a useful servant. I would rather decline answering the question as to what I have heard about Mr. Caldwell from my acquaintance with this part of the world to the present time. I have only heard rumours which made no impression on me. I certainly should not have recommended him to the Government service if I had heard anything against him, and if I had not thought him peculiarly fitted for the Government Service. I am not aware of the fact of a connection between Ma-chow Wong and the Police. I have heard of it and seen it in newspapers. Neither am I aware, except in the same way, of a connection between Ma-chow Wong and Mr. Caldwell. Besides seeing this in the newspapers I have heard it stated in the Council Room here on one occasion—perhaps more than one occasion.”

The questions put to Colonel Caine respecting “rumours” “complaints” and “reports” about me were suggested by Mr. Anstey himself, who, finding that he could make out nothing against me in the shape of *fact* from so respectable a witness, thought to do so by means of rumours and reports. Colonel Caine knew too well what value to attach to Hongkong rumours and reports to allow them to make any impression on him. Of all places in the world, perhaps there is not one where scandal and detraction are more rife—so readily invented—so industriously circulated and, I regret to add—so eagerly sought after, as at Hongkong. Few persons who come to the place, especially if they happen to be public servants, escape the vile detractions of the private traducer or the public slanderer of Hongkong. If character in Hongkong depended upon rumour alone, that of Mr. Anstey would not be worth a groat.

But in order still further to disparage me Mr. Anstey says in his pamphlet that I was “raised from the lower grades of the Police,” that I was “successively *Inspector of Police*, Assistant Superintendent of “Police,” &c., the Office of Inspector of Police in Hongkong being generally filled by discharged seamen or persons of that class. To prove that Mr. Anstey’s statement is false it is only necessary to refer to the Records of the Police. My first connection with the Police was in the capacity of Interpreter to the Magistrate’s Court, which Office I held conjointly with that of Interpreter to the Supreme Court. I have already quoted Colonel Caine’s evidence in proof of this, who stated that I joined the service in 1843 as Interpreter, and I have now to add that of Sir

Henry Pottinger to the same effect. In his report on the public officers of the Colony in 1843, Sir Henry Pottinger says, "Mr. Caldwell is "Interpreter to the Chief Magistrate's Court. Is a first rate Interpreter "in the colloquial dialect of this part of China, but knows little, comparatively speaking, of the written language.* Is also a very good "Spanish, Portuguese, Malay and Hindustani scholar and altogether a "very talented and valuable public servant."

The palpably inefficient state of the Police in 1846 in the detection of crime—not one of its officers, from Mr. May the Superintendent downwards, understanding a word of the Chinese language—induced Mr. Hillier, the Chief Magistrate, to address the Government suggesting my employment therein. I give the following extract from his letter on the subject :

"I have the honor to bring to your notice the enclosed letter from Mr. Holdforth, Officiating Assistant Magistrate, reporting the services rendered by Mr. Caldwell in giving information leading to the discovery of the cargo of a junk recently plundered in the Lyee Moon passage.†

"Mr. Caldwell has often expressed his ability to make similar discoveries, but has feared to render himself obnoxious to censure by departing from the proper sphere of his duty ; and I would beg respectfully to remark that great benefit might accrue to the public by the employment as *Assistant Superintendent of Police* of a person so well versed as Mr. Caldwell in the dialect of the Canton province, and, from long experience, so well acquainted with the habits of the class of Chinese which forms the bulk of the population of this Colony. I know of no other person than Mr. Caldwell possessed of these qualifications, and I believe that his appointment as above proposed would not materially interfere with his duties as Interpreter."

There was not at that time, and never had been, any such office as Assistant Superintendent of Police at Hongkong. The Government approved of Mr. Hillier's recommendation, the office was made and I was appointed to fill it. I continued to hold this office until the year 1855 and the importance and diversity of the services I have from time to time rendered, have been the subject of frequent public acknowledgment, to the great mortification, as I afterwards found, of Mr. May, who, though the Superintendent, was thus as it were thrown into the shade—to say nothing of the implied censure cast upon him in the letter of the Chief Magistrate just quoted.

I feel reluctant to be compelled to speak so often of my services lest I may be exposed to the charge of egotism ; but the terms of depreciation in which Mr. Anstey indulges towards me leave me no alternative,

* This was as far back as sixteen years ago. Subsequent study has improved my knowledge of the written language.

† Mr. Holdforth says, "This is the only instance on record in which property stolen from "trading vessels and landed here has been brought to light."

as it is mainly by a recapitulation of the public services performed by me from time to time, and the opinion entertained of them by my superiors, that I can refute his unscrupulous mis-statements and unjust insinuations.

In March 1853 Mr. May having been appointed Acting Assistant Magistrate in consequence of Mr. Mitchell's departure on leave to England, I was appointed, *ad interim*, to Mr. May's post of Superintendent of Police.

I held the uncontrolled Superintendency of the Police for a period of fifteen months, when, Mr. Mitchell having returned and resumed his duties, Mr. May relieved me of the Superintendency of the Police and I returned to my former duties of General Interpreter to the Government and Assistant Superintendent of Police.

I had the honor of receiving from the government the following acknowledgment of the manner in which I had performed the onerous duties which had devolved upon me during the period of the Russian war :

COLONIAL SECRETARY'S OFFICE,
Victoria, Hongkong, 29th June, 1854.

SIR,—The resumption of your former duties gives the Lieutenant Governor an opportunity that he gladly embraces to testify in an official manner to the ability and vigilance shewn by you when filling the very important post of Superintendent of Police during the preceding fifteen months while Mr. Mitchell the Assistant Magistrate was absent on leave.

The Lieutenant Governor desires further to remark that the extraordinary exertions required from you immediately subsequent to the declaration of war, when every endeavour was being made to place the Colony in as efficient a state of defence as circumstances would permit, were performed in a spirit of much readiness and self-denial rendering them so honorable to yourself as they were of undoubted service to the Government.

I have &c., &c.,

C. B. HILLIER,
Officiating Colonial Secretary.

To

D. R. CALDWELL, Esq.,
*General Interpreter and Assistant
Superintendent of Police.*

In July 1855 my connection with the Government service of the Colony ceased. The salary I was receiving was so much under what I felt I was justly entitled to from my often acknowledged usefulness to the Government and public, and my applications for an increase having been refused, I sent in my resignation on the 3rd of that month. It was accepted by the Government in the following terms :

COLONIAL SECRETARY'S OFFICE,
Hongkong, 5th July, 1855.

SIR,—In reply to your letter of the 3rd inst. I am directed to state that your resignation of the offices of General Interpreter and Assistant Superintendent of Police is accepted from that date.

I am also instructed to convey to you the regret of His Excellency the Governor at the termination of your connection with this Government, to which for many years past you have rendered so much important and valuable service.

I have, &c.,

W. T. MERCER,
Colonial Secretary.

D. R. CALDWELL, Esq.

After leaving the Colonial service I became part owner of a small steamer called the *Eaglet*, which I employed in trade between the neighbouring ports and Hongkong.

Between the large island of Hoinam, situated on the West Coast of China, and Hongkong and Canton there has always existed a large and valuable trade, confined solely to the Chinese and carried on in their own Junks, of which there are some hundreds in constant employment between these places. I was the first European who embarked in this traffic. I chartered eight large lorchas at Hongkong, loaded them with Cotton, &c., and towed them with the *Eaglet* to Hoi How a port in Hoinam, where I sold my cargo and purchased in return the produce of the island consisting of Indigo, Oil, &c. Since that time other Europeans at Hongkong have embarked in the trade and vessels especially adapted to the purpose have been purchased for the express object of pursuing the traffic; and by the recent treaty concluded between Lord Elgin and the Chinese Commissioners, Hoinam is also named as one of the new ports to be opened to British commerce. At the time I speak of however the native trade experienced a considerable check from the increase and boldness of the pirates which infest these seas. The trading Junks could only venture to sail together in large numbers for mutual protection, and even then they were not safe from the attacks of the large piratical fleets which lay in wait for them. I conceived the idea of establishing a convoy by means of my steamer for the protection of these vessels in their voyages to and from Hoinam, the distance between that place and Hongkong being about two hundred and fifty miles. I accordingly equipped the *Eaglet* with this object and took command of her myself. I acquainted the Chinese Admiral at Hoinam with my project, which received his ready approval and co-operation. The steamer was to be remunerated for the protection she afforded, by the payment of a specified sum by every junk which chose to avail itself of the steamer's convoy. The contract for each voyage was made and acknowledged before, and received the sanction of the head Mandarin of the island. I

was bound to use my best endeavours to prevent the capture or destruction of any junk belonging to the convoy by piratical vessels during the voyage.

In this manner I convoyed several large fleets of trading junks between these places, and on every occasion except one, brought every vessel safely into port; the mere presence of the steamer often being sufficient to deter any of the many pirate vessels we frequently met from attacking the convoy.

I repeatedly received the thanks of the Admiral of Hoinam for the successful manner in which I performed my part of the contract, and for the efficient protection I afforded to the commerce of the island.

I have entered thus at length into this matter because Mr. Anstey has, while publishing in extenso in his pamphlet Dr. Macgowan's just denunciations of the depredations committed at Ningpo and its vicinity by a set of lawless vagabonds who, under the pretext of affording protection to trading vessels, committed robbery and murder at sea as well as on land,—attempted to connect the *Eaglet* with them. According to Dr. Macgowan “whole villages were reduced to ashes, the men butchered
“and the women violated; some being carried off to the Lorchas, and
“retained in purchased exemption from such treatment by paying large
“sums of money. No sum however was sufficient to redeem a mother
“or daughter whom the fiends determined to take to their vessels. Chinese officers who attempted to thwart these buccaneers were killed
“on the spot or captured and held in ransom. The number of unoffending natives who have been put to death—some of them tortured
“in the most diabolical manner—would not be credited if told.” Horrible as are these atrocities, and confined, as both Mr. Anstey and every one else in China well know they were, to Ningpo and the river Min—more than 600 miles away from that part of the Coast of China to which alone the voyages of the *Eaglet* extended, Mr. Anstey wishes his readers to believe that they were shared in by the *Eaglet* during the time I owned and commanded her! He says, “On the part attributed to the *Eaglet*
“in these buccaneering forays there will be found in the minutes of the
“commission, so often referred to, traces of some very imperfect examinations of persons then serving on board with their equivocating and
“unsatisfactory answers.” I need scarcely say that there is not one tittle of evidence throughout the whole course of the investigation to found the shadow of a charge of the *Eaglet's* participation in any of these disgraceful “buccaneering forays,” nor need I adduce any thing further to shew that this barefaced attempt of Mr. Anstey to connect me with these atrocities, is as false and unfounded as I shall hereafter abundantly prove all his other accusations to be.

I may here add that after I had been sometime thus engaged in affording protection to the trading junks of Hoinam, His Excellency the British Naval Commander-in-Chief of the Station deemed it proper to establish a similar protection, free of all charge, to native vessels trading between the Treaty Ports and Hongkong in consequence of the alarming increase of piracy in these seas.

After the lapse of seventeen months, overtures were made to me by the government for again entering the Colonial Service. I consented to do so on condition that the salary to be given was such as to offer sufficient inducement to me to remain, and that my previous period of twelve years' service should be reckoned in my claims to a superannuation allowance. I sold my steamer, gave up trade, and on the 15th of November 1856, I was appointed Registrar General and Protector of Chinese, which offices I continue to hold.

I have deemed it necessary to enter into this brief history of my career to shew how utterly devoid of foundation and destitute of truth are the disparaging and opprobrious observations Mr. Anstey has thought fit to apply to me in his pamphlet and in his letter to the Secretary of State for the Colonies.

I shall now proceed to notice the principal charges and accusations Mr. Anstey reiterates against me both as a public officer and a private individual, notwithstanding they have been disposed of by the Commission appointed to inquire into them and before which he appeared as prosecutor against me.

In his letter to the Secretary of State Mr. Anstey makes the following statement:

“On the 4th July and 3rd September 1857, two remarkable convictions for piracy took place in the Supreme Court of Hongkong: the first that of the famous American leader of Chinese pirates Eli Boggs; the latter that of his employer and confederate the Chinese pirate Ma-chow Wong. Both these men had been nearly connected with Mr. Caldwell and the facts which transpired at their trials came in aid of other information received by me about that time from Mr. Dixon, Mr. May, Mr. Inglis the Marine Magistrate and others so much to the prejudice of Mr. Caldwell's character, that by the end of 1857 my *suspicion* had ripened into absolute *conviction* that to him and his close alliances with Chinese criminals the corruptions complained of were chiefly and perhaps solely to be ascribed.”

For Mr. Anstey's “suspensions” and “convictions” I have the utmost contempt. Those who know him best will bear me out in the observation that where persecution is his bent and the gratification of his revengeful feelings his object, he can produce at will suspicions and convictions to serve his purposes, as well as unhesitatingly give utterance to the most unscrupulous inventions—the most wilful distortions of fact and the basest fabrications.

He then continues :

“The first named pirate Eli Boggs in a speech of great power which lasted two hours and made a great impression upon every body present, bitterly reproached the Hongkong Government and Mr. Caldwell with his own seduction into the crimes for which he was about to suffer. It was a most scandalous scene especially because the demeanor of Mr. Caldwell under the infliction was clearly that of a guilty man. The statements moreover were in my opinion (and I was not the only one who so thought) too circumstantial to be entirely false. I found it my duty to represent the scandal which had occurred in Court.”

I shall notice in the first place the preposterous assertion of an alleged connection between myself and Eli Boggs the pirate. In a subsequent part of this paper I will advert more fully to the equally absurd allegation of my “alliance with Chinese Criminals.” That I never had any connection whatever at any time with such a man as Eli Boggs I feel that it is almost superfluous for me to declare ; but of Eli Boggs’ connection with the Chinese pirates of the coast I had often received intimation, and was long on the look out for him. On more than one occasion upon information furnished by myself to the Government, Her Majesty’s Ships were put in motion in pursuit of the piratical fleet on board of which my information led me to believe he was. The depredations committed by this particular fleet were so frequently the subject of complaint that I made every exertion to find out its places of retreat, and it was also on information given by me that this fleet of piratical vessels was ultimately destroyed or dispersed by H. M. S. *Sampson*. Boggs himself escaped. All this Boggs knew perfectly well, and whatever he may have said at this trial to my prejudice (which was certainly not of a nature to justify the highly exaggerated language applied to it by Mr. Anstey) was doubtless prompted by a feeling of irritation against one who he knew was the means of putting an end to his piratical ravages, and at whose expense he was endeavouring to procure his own exculpation. It must appear absurd to the “conviction” of any man but Mr. Anstey that I should interest myself to bring about the capture and punishment of such a man if I had been “nearly connected” with him in acts of piracy.

But what does this same man say subsequently when produced as a witness before the Commission appointed to inquire into the charges brought against me by Mr. Anstey, and when it may be supposed, if he really had any thing to say to my prejudice, he would have done so ? He says first. “I went from here to Canton in a Lorcha belonging to “Ma-chow Wong in October or November 1856. About a week after, “I was evidence for a man named Leong Ahee who was charged with “piracy. Mr. Anstey allowed me to be examined and afterwards told

"the Court my evidence could not be taken." [Here Boggs also said, though it was not taken down on the minutes of the Commissioners, "You," pointing his finger at Mr. Anstey, "were the cause of my turning pirate. You drove me to it by representing me to the Court, to be a person of bad character whose evidence was not fit to be received," or words to that effect.] "I was passenger on board this Lorch" belonging to Ma-chow Wong. *I never sailed or served in any vessel which I knew belonged to Mr. Caldwell or Ma-chow Wong, or in any vessel in which to my knowledge they had any interest or share.* Beaver was in command of the Lorch at the time. The first time I saw Mr. Caldwell was about three years ago in this place. I have known Mr. Grand-Pré for about the same time. I have never been intimate with either of them."

In another part of his evidence before the Commission he says: "I knew the *Eaglet* which Mr. Caldwell used to command. I was never in any way connected with her. I have only been on board once when I went on board of her in Hongkong to see Mr. Stone the Engineer."

In another place he says "I have seen Mr. Caldwell in Gaol,* but he never spoke to me, except when once asking me if I had any complaints, and then he did not speak to me any more than to the others who were present at the time. I have had no correspondence or communication with Mr. Caldwell on the subject of this inquiry."

As an instance of Mr. Anstey's sense of fairness and impartiality, I may remark here that he objected to the reception of the evidence of this man given *on oath* in a case in the Supreme Court in which he was a witness for a Chinese prisoner long before his apprehension, on the score of his reputed bad character;—and yet he now makes use of this same man's bare unsupported statement, made when he was on his trial for piracy and when he was doing his best to exculpate himself, as *proof* against myself of the grave charge of complicity with pirates—so clear apparently to his "convictions" that "he felt it his duty to represent the scandal" to the Government.

In the same paragraph of his letter to the Secretary of State Mr. Anstey adds that my "demeanor under the infliction was that of a guilty man." In what respect it was so he does not state—in fact it is only another of his fabrications. It was necessary to give a colouring to the picture he had drawn, and this was the readiest way he found of doing it.

It would appear that at the trial reference was made by Boggs to some paper which Mr. Anstey and his partisans wished to make appear

* Whither I went in my capacity of visiting Justice for the week.

was written by me and contained expressions highly prejudicial to myself. Mr. Anstey in his statement before the Commission,—says, “I, as Attorney General conducted the prosecution of Eli Boggs. I perfectly remember Eli Boggs with a paper or papers in his hand from which he made his speech to the Jury. I was very much shocked at hearing Mr. Lyons* the other day state in evidence that Boggs had produced in the Supreme Court a paper stated by himself to have been written by Mr. Caldwell and recommending Ma-chow Wong, Mr. Caldwell’s brother, to the ‘pirates with whom Eli Boggs served.’ He also stated, though it does not appear on your minutes, that he was surprised at the paper making no impression in the Court.”

I can only say that I never wrote any such paper and that I am entirely ignorant of its authorship, whilst Boggs himself has since denied in his evidence before the Commission that he ever made any such statement as Mr. Anstey puts into the mouth of Lyons.

The paper referred to however is now deposited in the office of the Colonial Secretary, and the following is a copy of it *verbatim et literatim*:

VICTORIA, HONGKONG, January 4th, 1856.

MY DEAR CAPT. PAIPEA.

I have heard that the *Lorcha Cumhopon* has now at anchor in Intōofok a few miles out of Macao which the two men who were going with you desired to sell the *Lorcha* to another people: but there is no right for them to do so, because the *Lorcha* I owned one half and they two men owned only one half, how could they sell the *Lorcha* there at once without my order. The bearer of this latter is my brother, and will you be so kind as to sail the *Lorcha* with my brother back to Hongkong* this is what I hope for.

I remain, &c.,

(Signed,) KIEKEE.

(True Copy,) W. T. MERCER,
Colonial Secretary.

What possible reference this paper bears to myself, or how it can be construed into a recommendation of Ma-chow Wong “to the pirates with whom Eli Boggs served” can be best explained by Mr. Anstey and Lyons his false witness.

This man Lyons, under instructions from Mr. May (see his evidence) had been to the Gaol to see Boggs before the latter gave his evidence before the Commission, evidently with the view of obtaining some admissions from Boggs which might be used in evidence against myself. This is what Boggs himself says in his evidence before the Commission: “Lyons was up in the Gaol one day and asked me if I knew where the paper which I had read at the Supreme Court was. I told him I saw it put

* A Police officer under Mr. May.

"back in the box at the Supreme Court. I believe he asked me a few questions. He might have asked me who had written the paper, but I *could not* have told him that it was written by Mr. Caldwell, for *I do not know and cannot say that I have any reason for thinking that it was written by Mr. Caldwell.* I believe he said something to me to the effect that if he was brought up *he would like to be able to produce this paper to shew that Mr. Caldwell was connected with that sort of people.*"

This will give those at a distance some idea of the efforts made by my enemies here to get up evidence against me. This man Lyons immediately after the close of the Commission of Inquiry, was rewarded by Mr. May for his services by promotion to the rank of Deputy Inspector of Police, as was also another Constable (Roberts) for similar services performed by him in the same business. Even Mr. May himself seems to have attempted the same thing, for he says in his evidence before the Commission: "I spoke to Boggs once or twice *with a view of getting information from him,* but finding I got nothing but moonshine, desisted. He spoke about Wong Akee, but said nothing upon which I should consider myself justified in acting."*

Boggs also stated before the Commission, "I cannot say that Lyons made any suggestions to me regarding the evidence I was to give. He put a great many questions to me, and in a ridiculous manner *which would lead me to believe that something was meant.* He did not suggest any particular points on which I should give evidence—he was only two minutes speaking to me altogether."

The explanation which Boggs himself gives of this paper before the Commission is as follows, and though somewhat lengthy it will scarcely bear curtailment:

"At the period of my apprehension I remember a paper being found on me. The paper as near as I can recollect was written for Ma-chow Woug and sent out to a lorcha to a young man named Beaver who had charge of the lorcha. It stated he was part owner of a lorcha. Some one on board was about to take the lorcha away, and he wished the lorcha to be brought back. *It said nothing further.* I had several papers when I was arrested. This paper was in English. I remember something about a paper which I requested might be taken particular care of, as it would be of use to me. I saw that paper at the Supreme Court on my trial. *It was put into my hands by Mr. May.*† I believe I read the contents of it in Court. I handed it to Mr. May who replaced it in the tin box in which it was found. It was not handed to the Jury, but a piece of calico with some Chinese figures on it was. I gave Beaver

* It is a pity Mr. May did not give the *particulars* of his interviews with Boggs and the information he received from him which he so elegantly calls "Moonshine." It might have thrown some *light* on the proceedings of himself and his *sattelites* Lyons and Roberts.

† Mr. May, with whom I had been officially connected for many years, could surely have said whether the paper was in my hand writing or not.

an order to get it when he was discharged from Gaol. I gave him an order to get all the papers which I had when arrested, but do not know whether he got possession of this paper. I believe he did. I was told so by a short sentence prisoner. *I got this paper from Beaver himself.* It was not his intention to give it to me. We were in two separate boats and I went on board of his boat for some cigars and at the bottom of the box which he sent me I found this paper. *I could not say in whose hand writing it was* and that is all I know of it. I might have said in the Supreme Court that it was as likely to be in Mr. Caldwell's hand writing as in any one else's, *but I could not have said that it was in Mr. Caldwell's hand writing for I do not know Mr. Caldwell's hand writing.* The paper did not mention Mr. Caldwell's name nor do I recollect the name Sam Kwei. It was addressed to Charles Peapa."

And further on he adds,

"I don't think that the paper produced in Court recommended Mah-chow Wong to the notice of the pirates for the purchase of provisions and other articles from him. The paper did not mention Mah-chow Wong as being Mr. Caldwell's brother."

The rest of Bogg's statement consisted principally of hear-say evidence.

Thus much for Mr. Anstey's charge against me of complicity with "the famous American leader of Chinese pirates Eli Boggs."

Let us look at another of the statements which appears in Mr. Anstey's pamphlet. He says, "There had been made *through Mr. Caldwell* a "most improper application to Dr. Bridges' government for the remission of the sentence of transportation passed by the Supreme Court on "one of three partners* who had been convicted of the offence of receiving stolen goods under very aggravated circumstances; and against "which application the Chief Justice, the Jury and the Attorney General had strongly protested." He prefaces this with a statement that a woman named Shap Lok (whom he falsely asserts was a "reputed "sister" or "sworn sister by adoption" of my wife) had received a large bribe (400 Dollars) from the prisoner's friends to procure a remission of his sentence, and he evidently intends it to be believed, though he does not expressly say it, that these 400 Dollars came into my hands.

The Commissioners in their report arrive at the conclusion that a Chinese female named Shap Lok did receive a sum of 400 Dollars for her supposed influence in procuring a remission of the prisoner's sentence, but they dismiss the imputation of a relationship between her and my wife. The disgraceful suggestion of this alleged relationship emanated from Mr. May and does him infinite credit.

As Attorney General of the Colony, and as a barrister practising at the local bar, Mr. Anstey knew perfectly well that all applications by petition to the Government from Chinese must be forwarded through the Protector of Chinese and that unless they come through that officer, the

* In a Pawnbroker's Shop.

Government will not receive them; and knowing this he nevertheless most disingenuously strives to make it appear, that because in the ordinary course of my duty I forwarded to the Government the petition of the parties in the case he refers to, I had made the "improper application" for a remission of the prisoner's sentence. He might with equal justice assert that every one of the many petitions and applications which it has been my duty to transmit to the Government since I have held my present office (many of them containing the most absurd requests) were applications made by me on behalf of the parties who preferred them.

But what are the facts of the case? A pawnbroker had been convicted of receiving stolen goods and was sentenced to fourteen years' transportation. I knew nothing whatever either of the circumstances of the case or the parties. Some of the prisoner's friends thought of petitioning the Government for a remission of his sentence, and it seems went to the Acting Colonial Secretary with a petition in Chinese, which that officer refused to receive because it was neither translated nor transmitted through the usual channel. He directed the petitioners to take their petition to the Protector of Chinese and they brought it to me accordingly. This was the first I knew of any effort being made to obtain a remission of the prisoner's sentence. In the usual course of my duty I translated the petition into English and transmitted it to the Acting Colonial Secretary, but without any remark from myself—any opinion of its merits, or any recommendation in favor of its prayer. This was the whole part I had in the matter. I simply performed my duty. I was not referred to by the authorities, nor had I any communication with them on the subject. In the mean time the prisoner's friends had obtained the assistance of a Solicitor and a petition in English in his favor was got up and signed by some of the European residents including the jury by whom he was tried; but I heard nothing more of the matter until some time after, when a friend of the prisoner came to me and told me that the sentence had been commuted, and, to my surprise and indignation, asked me "if the 400 Dollars should be paid to the woman Shap Lok for getting the prisoner pardoned, as she said the money was intended for me." I desired the man to pay no money whatever, and on my telling him that I would inquire into the matter and would call upon him to state what he knew of it, he said that he knew nothing about it himself, and that he had only mentioned what had been told him by his partners. I immediately went in search of the woman Shap Lok, and the police were likewise set in motion by Mr. May to discover her, but none of us succeeded in finding her then.

Whoever may have been the person named Shap Lok who was said to have received the money I cannot tell; but the only person that I knew

of that name and whom I, as well as the police, went in search of, returned to the Colony a short time after the close of the Commission of Inquiry. She came voluntarily to my house saying that she had heard that I had been in search of her. I told her of the charge I had against her. She stoutly denied ever having asked for or received any money in my name whatever from the pawnbrokers or their friends, and desired to be confronted with the parties who had alleged that she had done so. I took her to the Police Station and laid a charge against her of receiving money in my name, before the Inspector then on duty there, who happened to be the same man (*Lyons*) whom Mr. May had employed to elicit evidence against me from Boggs, the pirate. Lyons immediately sent for the witnesses from the pawnbroker's shop. The only one who came was *Low Shing Keet*, the witness who deposed before the Commissioners that he had paid the money to the woman he called Shap Lok with his own hands. On being confronted with Shap Lok he stated positively that she was *not* the woman. I pressed him hard upon the subject, but he adhered to his statement, adding that the woman he had paid the money to was a much younger woman than the one before him. There being no other evidence, and the witness persisting in his statement, there was no alternative but to discharge the woman, which was accordingly done.

There was no other woman that I knew of at that time by the name of Shap Lok, nor has any such person been since brought forward by the pawnbrokers or their friends, although they were charged to produce the woman they said they had paid the money to.

These facts I think fully disprove Mr. Anstey's assertions as well as his insinuations.

It is not an uncommon practice with the Chinese (and Mr. Anstey well knows it) to endeavour to obtain money from persons in trouble in the name of some public officer, under the pretence of securing the influence or favor of that officer in their behalf. I have had occasion to prosecute Chinese in no less than three instances for having obtained or attempted to obtain money in this manner in my name. Mr. Anstey himself admits in his letter to the Secretary of State that bribes had more than once been offered to himself, and there are some wealthy officers still in the police who are not strangers to the latter practice.

The next charge Mr. Anstey makes against me (again on the authority of Mr. May) is, with having used "for the purposes of private monopoly" the powers vested in me under the recent Ordinance for the regulating, licensing and registering of brothels in the Colony—and with having granted "at least one license to a brothel built on land belonging to himself." And he calls in question the truth of a declaration made by

me to His Excellency the Governor, that at the time I was appointed to carry out the provisions of the Ordinance as Licenser of Brothels, I did not own any land whatever in the Colony.

I proved clearly to the satisfaction of the Commission of Inquiry by the evidence of two of the Clerks of the Treasury Office—by the evidence of the Solicitor employed to prepare the transfer, and by the evidence of the purchasers of the land that the eleven lots referred to by Mr. Anstey as having been registered in my name, had all been sold by me and had been paid for by the purchasers in the month of June 1857, *five months* before I was appointed, to the above office,* and that at the time I was so appointed I held no lands or houses whatsoever in the Colony. The account current rendered to me by my Agents, Messrs. Siemssen & Co. (still in the hands of the Commissioners) also shewed that the purchase money of these lots had been received by them for me in the month of June 1857. It is true that some delay (for which I was not responsible) arose in the preparation of the deeds of transfer; but possession had been taken and other rights of ownership exercised by the purchasers immediately after payment of the purchase money in June 1857.

The nature of the information given by Mr. May to Mr. Anstey on the subject may be judged of by the following extract from his evidence given before the Commission when this charge was under investigation. He says: "In consequence of the information I received and of the fact that *in a book of mine* I found that Mr. Caldwell *appeared* to be the registered owner of lot 241 B. on which a brothel stood, I communicated to the Attorney General *my belief* that that house was in fact owned by Mr. Caldwell."

The proverb that people who live in glass houses ought not to throw stones was never more applicable than it is in the present instance to Messrs. Anstey and May. They charge me with using and perverting the powers I possessed under the new Ordinance as Crown Licenser of brothels "for my own profit," and for the "private purposes of monopoly." They do not say what this monopoly was, but their meaning may be inferred when they add, that "at least *one* license had been granted by me to a Chinese brothel built upon land which belonged to myself." That they completely failed in making out this charge against me I have already shewn, as I proved to the satisfaction of the Commissioners that I owned neither lands, houses, nor brothels. But it was notorious, and the fact is not denied by Mr. May, that he was himself, previous to the passing of the Ordinance, the owner of several houses in the Colony which, to his knowledge, were used as brothels. And even after the

* The Ordinance was passed and I was appointed in November 1857.

passing of the Ordinance his own kept mistress, a Chinese woman, lived within two or three feet of a house kept by a woman named *Atai*, which was used for several months as a brothel without having a license, and without any action on the part of Mr. May to suppress it, as it was his duty to do under the new Ordinance, as Superintendent of Police. He could not but have known the character of the house, since it was contiguous to that of his mistress, and he was in the daily habit of passing it. The neighbours had complained about this house, which they denounced as a nuisance, and Mr. May was ordered by the Acting Colonial Secretary to take measures to suppress it. He never did so however. There may have been a reason for it. That his friend Mr. Anstey was a frequent visitor at that house I have abundant proof, but it is of too disgraceful a nature for publication. Other Europeans were in the habit of frequenting the house also, and the fact of its being a public brothel was never doubted. The Acting Colonial Secretary finding that Mr. May had done nothing in the matter, desired me to take measures against the house. I accordingly went to the house at night. I distinctly heard the voices of several women upstairs. I demanded admission, but was kept outside for nearly half an hour before the door was opened. On searching the house I was surprised at not finding any of the women, though there were three Europeans (males) in the house. I looked about to discover the means by which they made their escape. The only outlet to the street was the door through which I entered and before which I had stationed a constable. It was not possible for them to have escaped by that door without being observed by myself and the constable. The windows had all iron gratings, through which exit was impossible; but there was a sky-light, to which a ladder was attached, leading to the roof of the house. The house itself was a three-storied one, some 35 or 40 feet high. The houses adjoining it on either side were both low houses, the roofs of which were fully 15 feet lower than that of the brothel, a leap which Chinese women would not be likely to attempt; besides they must in their fall have smashed a large number of tiles, if they did not go through the roof; not a tile was misplaced. Immediately at the back of this brothel however stood a house which so nearly adjoined the brothel that the walls were only separated by a space of about 24 inches. This house was rather higher than the brothel, and a window belonging to it was just on a level with the roof of the latter. It was perfectly easy for any one to step from the roof of the brothel on to the sill of this window (the window was fully 4 feet high—the venetian frames opening *outwards*) and thus enter the house. This was the house of Mr. May's kept-mistress already mentioned. There was not a doubt on my mind at the time that the prostitutes had made their

escape from the brothel into the house of Mr. May's kept-mistress through this window, especially as I was aware that this woman had been herself in the habit of purchasing young girls for the purposes of prostitution. There were no other possible means of escape except by a leap which must either have broken the limbs of the women or killed them: I returned into the brothel and took the woman *Atai* into custody as being the keeper of it.

When the case came on for hearing before the Magistrate, Mr. Anstey appeared at the Magistrate's Court, not however to aid the prosecution as Attorney General, but rather, as it appeared to me, to watch the case for the Defendant. He certainly volunteered the opinion against me, that I had no right to apprehend the woman and that I ought to be prosecuted for damages for so doing.

The case against the woman *Atai* however was too clear to admit of a doubt. She was convicted and sentenced to pay a fine of 75 Dollars.

I was compelled to state in my evidence at the trial my belief as to the manner in which the women escaped from the unlicensed brothel. Mr. May took great offence at this when he heard of it, and complained to the authorities of my having made an unwarrantable use of his name. He did not deny that the house was that of his kept-mistress, but he repudiated the imputation of the escape of the prostitutes from the brothel into his house.

After the trial, Mr. May sent his head Inspector, Mr. Jarman, to inspect the premises, and hearing that the latter had sent in a report, in which he stated it as his opinion that escape through that window was impossible, I requested Mr. Jarman to accompany me to the brothel and make another inspection of the two premises in my presence. He did so. After I had pointed out to his notice the different parts of the premises, and in particular the sky-light—the close proximity of the window of the house of Mr. May's mistress to the roof of the brothel, and the great height of the brothel above the two side-houses, I asked Mr. Jarman for his opinion. He said he should like to *think over the matter* and would let me know the next morning! I did think it strange that a Police Officer of ten years' standing, holding the responsible office of Head Inspector of Police, should be at a loss to form an opinion *at once* upon so simple a matter, and I suggested that it would be far easier for him to do this with his eyes upon the spot than at a distance from it. He still preferred taking time to "consider the matter." I anticipated what the result would be. The next morning, as a matter of course, he gave his opinion that the women could not have escaped through the window of the house belonging to his Superintendent's mistress; but he did not say *by what other means* they could possibly have made their escape.

Mr. May's complaint and my explanation having been laid before His Excellency the Governor, it resulted in Mr. May receiving a severe reprimand, and myself an entire exculpation.

This case may possibly throw some light on the extraordinary interest or rather apprehension manifested by Mr. May when the new Registration Ordinance was about to be discussed in Council, under which the powers of the Registrar General were to be further enlarged. Mr. Anstey in his letter to the Secretary of State, says, "On that day the "Bill for Chinese Registration and Regulation (which afterwards became Ordinance No. 8 of 1858,) stood for discussion in the Legislative Council. A letter from the *Superintendent of Police* [Mr. May] was "put into my hands ENTREATING me to cause some provision to be "introduced to restrain Mr. Caldwell, his Chinese wife, their family "and their servants from abusing to their own profit the large powers "over *persons and property* which would be made permanent in his "hands as the Registrar General and Protector of Chinese within Hong-kong by that Ordinance." The reasons for Mr. May's alarm are best known to himself. The only instance of alleged abuse of the powers entrusted to me, brought forward by Messrs. May and Anstey, being the already disproved charge that I had granted one license for a Chinese brothel built on land belonging to myself.

Mr. Anstey goes on to say that the powers of the Registrar General and Protector of Chinese under the ordinance "were so largely increased "in favor of the individual then recently raised to them, as to attract "the notice of Downing Street and to cause the disallowance of the "most dangerous of these new provisions; but not until they had done "much mischief by the manner in which he had exercised them." Mr. Anstey does not state what these "dangerous" powers were, nor the nature of the mischief which he alleges had arisen from the exercise of them. The only provision which the Authorities in Downing Street disallowed, was the *personal* registration of the Chinese of the Colony, a measure which I had myself disapproved of as being likely to cause vexation and annoyance to the people. These increased powers conferred no benefit on myself, but on the contrary, added much to the irksomeness of my duties.

Mr. Anstey in continuation adds, "in the interval however his other "office, that of Crown Licenser of brothels, *had been specially created for him,*" leaving it to be inferred that I derived some pecuniary benefit from the appointment, which was not the case, although it is probable the Legislative Council thought that the Registrar General was the fittest officer to carry out the provisions of this new Ordinance from his being also Protector of Chinese, an Office created in 1846, and against

which Mr. Anstey seems to have formed so great an antipathy during the time of my incumbency. The objects contemplated in forming this office were, that there should be some special officer to whom the Chinese, who compose the principal part of the large and fluctuating population of the Colony, and who are in general ignorant of our laws and customs, might in the first instance go to make their complaints, state their difficulties and prefer their applications. It is the duty of the Protector of Chinese to point out to them the course they ought to adopt. It is his duty to attend at the Police Courts and see that they have the means of bringing their complaints properly before the Magistrates in cases in which he may conceive that his assistance is necessary, and to aid them in their defence in cases which may appear to him to have been got up for the purpose of oppression or extortion. It is his duty also, according to the ordinance, "to use his best endeavours to prevent the "commission of crime and to discover and apprehend the perpetrators "thereof, and generally to protect the Chinese inhabitants of the Colony." The Protector of Chinese is also the medium of communication between the Chinese and the Government. The duties of this office remained almost a dead letter until I was called to fill it in 1856. Mr. Inglis, the first Registrar General and Protector of Chinese (though afterwards a good Chinese linguist) possessed only a partial knowledge of the language during the time he held the appointment, and Mr. May, who was for some time afterwards Officiating Registrar General and Protector of Chinese, not only knew nothing of the language, but could never recognize the face of a Chinaman unless he had seen it at least some four or five times. I was expected, from my thorough knowledge of the language and my intimate acquaintance with the people, to give the office that efficacy and utility which the local legislature intended, and thus the duties of Registrar General were considerably augmented.

In November 1857 the Ordinance for the regulating, licensing and registering of brothels in the Colony was passed and I was appointed to carry out its provisions, which involve not only very onerous and very unpleasant duties, but often necessitate my going out at night. This is the office which Mr. Anstey says was "specially created for me."

In May 1858 the "Markets Ordinance" was passed in Legislative Council, and under its provisions the Registrar General was appointed Collector of all the Market-rents, adding still more to his duties. But neither to the office of Crown Licensor of Brothels nor to that of Collector of Market-rents was any salary attached, and I have been performing the duties of these two new appointments, with those of Registrar General and Protector of Chinese, without any addition whatever having been made to my original salary for the increased duties and responsibilities

thrown upon me. So far therefore from deriving benefit, as Mr. Anstey wishes it to be inferred, from an office which he asserts "had been specially created for me" I might with justice complain of the hardship of imposing upon me duties of a very unpleasant and onerous nature, the performance of which I never contemplated when the offices of Registrar General and Protector of Chinese were offered to me in 1856.

But Mr. Anstey's main charge against me, and upon which indeed all his other accusations hinge, is contained in his asseverations against the character of a man, called throughout *Mah-chow Wong*, but whose proper name is *Wong Akee*, whom he stigmatizes as a "notorious pirate," a "resetter of pirates," the "Jonathan Wild of the Chinese seas"—with whom, Mr. Anstey asserts, I have been long criminally connected, and with whom, he alleges, I have participated in the profits of his alleged piratical adventures! This is Mr. Anstey's best trump card. All the resources of his subtle and fertile mind—all the influence which Mr. May possessed as Head of the Police—all the energies, craft and tactics of the two combined, were strained to the utmost, and brought to bear upon this particular accusation; because they knew that if they could but succeed in inducing the Commissioners to believe that this charge was a true one, my dismissal from the service was certain; Mr. Anstey's object would be attained—his vindictive feelings against me would be gratified, and Mr. May would then, in all probability, succeed to the office of Registrar General and Protector of Chinese which he had so long coveted. To bring about this result it was necessary for them, in the first place, to shew that Wong Akee was the reprobate they represented him to be. In this particular matter Mr. May takes the more prominent part of the two—no doubt rightly conceiving that, as Superintendent of Police, his allegations would carry weight with them.

With all Mr. May's evident desire, however, to shew that Wong Akee was a *pirate*, he does not dare to say that he *knew* him to be one, because if he did, he would be called upon to give some instance of his piratical acts, which he knew he could not do;—but he makes such statements as the following: "I know that Boggs was with pirates, and *I believe* that those pirates had communication and had confederated with Ma-chow Wong." In another place he says "*I believe*, from information I received, which information is contained in my letter of the 20th July, that Mah-chow Wong was in intimate connection with several well known pirate chiefs." Again: "As a matter of repute and notoriety, I know that Mah-chow Wong has for years been a recipient of bribes from gambling house-keepers, a confederate of pirates, and a receiver of stolen goods." What was Mr. May about that he did not bring to justice so notorious an offender? He says the Chinese were reluctant

to give evidence against him because of his "well known position" with regard to myself. During 1855 and 1856 I was for *seventeen months* out of the service, unconnected with the government, and frequently absent from the colony in my steamer. What was there *then* to prevent the Chinese from coming forward to give evidence against Wong Akee, who was all the time in the Colony?

Mr. May speaks in another place of his ability to produce evidence to shew a connection between Po-Pak Shing,—*said* to be a notorious pirate—and Wong Akee, the witness being one of his own constables—a Portuguese named De Silva—whose evidence I will advert to in a subsequent part of this paper. In another part of his evidence Mr. May also states that he "always found that Mah-Chow Wong was always "interested either for or against pirates"—which piece of evidence certainly makes as much *for* Wong Akee as *against* him. Mr. May, however, relies principally upon some memoranda extracted by himself from the books and papers of Wong Akee which had been seized by the Police at the time of his arrest. Mr. May was assisted in his examination of the books and papers by his Interpreter Tong Akü, whose brother, be it known, was dismissed from his situation of Interpreter to the Police Court for corresponding with pirates upon information given by Wong Akee himself. Mr. Anstey also lays great stress on the contents of these memoranda as possessing, according to his ideas, "undoubted evidence of the piratical nature of Wong Akee's dealings." I shall make some remarks on the contents of these memoranda hereafter.

The only other evidence on this point, is that of Mr. Dixon, at that time Editor of the "*China Mail*" newspaper. He says "I had heard "from many Chinese that he (Wong Akee) was a notorious extortioner, "owner of pirate vessels and fitter-out of piratical expeditions." These were sweeping accusations certainly, but when Mr. Dixon was asked by the Commissioners if he could hand in the names of any of his informants he could not do so! He did not even answer their question, but said he "would quote one instance of extortion," which he did, but which was not according to fact, and had nothing whatever to do with *piracy*.

Excluding, therefore, the case in which Wong Akee was lately convicted, the above contains all the evidence I have been able to find given before the Commission to prove that Wong Akee was a "notorious pirate" a "resetter of pirates," "the Jonathan Wild of the Chinese Seas."

I do not purpose in this paper to fight Wong Akee's battle; but as it has been the endeavour of Messrs. Anstey and May to paint this man in the blackest colors, in order to cast the deeper stain upon my alleged connection with him, I deem it right to state what I know of the man

myself, and to make a few observations on the charges brought against him.

I first knew Wong Akee in 1847. He was then a Fish-monger in West Point Market. He came to me then for the first time to return thanks as he said for some assistance he imagined I had rendered him in a case in which he was suspected of being concerned in the concealment of some stolen property. The only evidence against him being the discovery of the property in a room in a *public market* adjoining the one occupied by himself and another man. The evidence was so slight that he was at once acquitted of the charge.

I was at this time Assistant Superintendent of Police and General Interpreter, and Wong Akee gave me on one or two occasions information of the commission of crime in the Colony, which enabled me to trace the perpetrators and bring them to justice.

Wong Akee gradually bettered his position until he became the sub-lessee of all the public fish markets in the Colony, and he was appointed head of the Municipal Watchman for the protection of the Central Market. After this he opened a provision shop (still retaining the markets) and furnished several of the European residents with supplies for their table. He did the same to myself for a short time, but finding his charges high, I discontinued taking further supplies from him. He appeared to be doing a prosperous business.

It was during this time that he on several occasions gave me most important and valuable information regarding the proceedings of the piratical fleets in the neighbourhood of Hongkong. He had peculiar and ready means of obtaining such information from his position as sub-lessee of the fish markets and from his being a native of the maritime district of Sun-oan, which possesses several ports, and from which the largest class of fishing junks come, which visit Hongkong. Most of the people belonging to these junks naturally came to him to sell their fish, obtain their supplies, and transact their other business. The number of these large fishing junks is said to be between 500 and 600—they go out to sea and scatter themselves over the neighbouring waters to the distance of more than a hundred miles from the Colony, and as they are almost constantly at sea pursuing their occupation, they frequently come into unpleasant contact with the fleets of piratical junks which hover about. These fishermen are therefore constantly on the watch, and they have the means of knowing, better than any other class of sea-going people, the different piratical fleets, their proceedings, the names of their chiefs and their places of rendezvous. All this information the fishermen readily imparted to Wong Akee, and Wong Akee has, often voluntarily, and often at my request, shewn the readiest disposition

to impart the like information to myself. Whenever it has been practicable, I have acted upon the information thus obtained, and the numerous instances in which large and powerful fleets of piratical vessels have been destroyed by Her Majesty's ships-of-war, and peaceable trading junks rescued from their clutches, upon information furnished to me by Wong Akee, is the best proof, not only of the truth of his reports and of his usefulness, but of his having no connection himself with pirates or piracy. He had, indeed, a direct interest in the suppression of piracy, and this may have been one of his inducements for furnishing me so often with information of their proceedings. As renter of the fish markets it was to his interest to have as much fish brought to the markets as possible, for the more fish the more profit. The attacks of pirates on the fishing vessels reduced the supply of fish. The fishermen were often deterred from pursuing their calling from fear of being captured. Again, Wong Akee was himself the owner of four lorchas which he employed in trading between the different ports on the Coast of China. These vessels were as much liable to capture by pirates as any other Chinese vessels, and for their safety it was clearly to his interest to see piracy put down.

About five or six years ago Wong Akee extended his mercantile operations. In partnership with others he chartered ships to California by which he told me he realized large profits. He afterwards, in partnership with others, purchased from Tam Atsoi—a man well-known in the Colony—an American ship called the *Potomac* and sent her on to California, but on her arrival there she was seized by Tam Atsoi's partners, who stated that Tam Atsoi had no authority to sell her. He lost by this business nearly all that he had formerly gained, and I believe Wong Akee still has a large claim against Tam Atsoi for selling him a ship that did not belong to him.

All this time Wong Akee made himself extremely useful to me in my capacity of Assistant Superintendent of Police, in furnishing me with information, not only against pirates at sea, but also against other wrong doers in the Colony, whose mal-practices were, by his means, brought to light, and the offenders punished. Among these was the Chinese Interpreter above mentioned, and he incurred a great deal of odium and the ill-will of many, in consequence of his disclosures.

During the late war in China (1857) arising out of the seizure by the Mandarins of Canton of the crew of the English lorchà *Arrow*, this Colony was thrown into a state of great excitement and alarm in consequence of the measures adopted by the Mandarins against us. The terror they exercised over the minds of the Chinese residing here was such, that whole families left the place. All servants in the employ of Europeans were threatened, and their families in China menaced, unless

they immediately quitted the service of their European masters and returned to their native districts. Nearly every European establishment was denuded of its domestics and coolies. Our river steamers were attacked by emissaries of the Mandarins who had taken passage on board of them, and an attempt was made to poison the whole of the Europeans of the Colony by arsenic being put into the bread. Large rewards were offered for the head of the Lieutenant Governor of Hongkong and also for my own, and we were in nightly expectation of seeing the town in flames. It required the greatest vigilance on the part of the Government and Police to preserve the safety of the Colony. During this critical time, Wong Akee, on several occasions, obtained and imparted to me most valuable and important information, by acting upon which, the plans of the Mandarins were often frustrated. I need only mention the fact that through his means a conspiracy was discovered in the Colony which had for its object the capture of Colonel Caine, the Lieutenant Governor, and myself—the conspirators having been promised a heavy reward if they succeeded in bringing to the Mandarins our *heads*!

Mr. May says in his evidence before the Commission, that Wong Akee was long known to him by repute as a man of notorious bad character, but he omitted to tell the Commissioners that he had frequently sought to obtain the assistance of this same man himself—that he frequently asked him to give him the same kind of information that he was in the habit of furnishing myself—or that he was in the habit of addressing him in terms of familiarity. Wong Akee always refused to give Mr. May any such information, saying, that he was not a *paid informer*, and that he did not choose to give information to every body. Mr. May naturally felt mortified at these rebuffs, and he reluctantly admitted before the Commission, that he had, “from a long knowledge of the prisoner (Wong Akee) *a great dislike to him.*”

The secret cause of that dislike I have now revealed, and it will account for all Mr. May's hostility to the man, and for the untiring and unusual energy which he displayed, when Wong Akee was arrested, in getting up the case—or rather cases—against him, during the whole three weeks of their investigation at the Police Court. No one ever saw Mr. May display any thing like the same amount of zeal and indefatigability in any other case that ever came before the Police during the whole fourteen years of his superintendency. And why? Because there were not the same moving causes: animosity to myself, jealousy and envy of the success of my public exertions and my consequent promotion over himself in the service, and dislike and hatred of the man who had been, in a great measure, instrumental in enabling me to achieve these successes, and who had refused to accord the same assistance to himself.

During the whole period of my service under the Government of this Colony, I had no commercial or pecuniary transactions whatever with Wong Akee, save one or two trifling loans of money which I gave him, and which he repaid.

When I left the service in 1855 and purchased the steamer *Eaglet*, I chartered one of his lorchas, and employed him to charter seven other vessels for me, which I loaded with cargo, and took in tow of my steamer to Hoinam as already stated. In this speculation Messrs. Siemssen & Co., merchants of Hongkong, myself, and the Chinese mercantile firm of "Tychong" were partners. We allowed Wong Akee to have a share also for the assistance he rendered us. During the time these eight vessels remained under charter (a little under *two months*) they carried, as a matter of convenience to myself, the *Eaglet's* private signal flag; and it is out of this single transaction, mentioned by me to Mr. May in the confidence of private intercourse, that he invented the following tale, given in evidence by him before the Commission: "When Mr. Caldwell was in command of the *Eaglet*, on one occasion I asked him "how his marine affairs were getting on, and he told me that *he was partner with Mah-chow Wong in a carrying trade carried on in many vessels, and that they owned several Chinese vessels. (!)* I observed, "if you let the *Eaglet* be engaged in these expeditions against *pirates (?)* you will have a combination against you and have the *Eaglet* "snapped up; and he said no fear of that, such is the fame and terror "caused by the *Eaglet*, that many vessels have applied to us and we are "thinking of granting the *Eaglet's* flag as a pass of protection." (!) And, as if the absurdity of this wanton mis-statement was not already great enough, Mr. Anstey, in his pamphlet, endorses it in the following still more exaggerated terms: "And it was with this man, that according to Mr. Caldwell himself, who reluctantly admits it after it had "been proved by many witnesses—a partnership in at least eight Chinese lorchas subsisted *from the beginning of 1855 if not earlier, down to the end of 1856, if not later.*" (!)

As to the doubts which Mr. Anstey seems inclined to cast on this particular speculation, I can only say that the trade was as legitimate as any other that is carried on in Chinese ports—that it has since been followed by other European merchants in Hongkong—that I received the permission of the head Mandarin of the Island to sell and purchase goods—that the Mandarin himself paid me complimentary visits on board my steamer every time I arrived there; and the fact of my having been joined in this speculation by a house of such high standing and well-known respectability as that of Messrs. Siemssen & Co. of Hongkong, is

a sufficient guarantee, if any were wanting, that there was nothing objectionable in it.

It was during this time also that I lent Wong Akee 500 Dollars to enable him to lengthen a lorcha belonging to him, for which he wished to obtain a Colonial register. To secure myself for the advance, I had the lorcha registered in my own name. In October 1856, Wong Akee having repaid the loan, my interest in the vessel ceased, and I notified the same, at the time, at the Colonial Secretary's office at Hongkong; but the vessel being then absent on a trading voyage to Cochin China, the Register could not be cancelled, and she did not return until the following April.

It has been attempted to be shewn that this lorcha was engaged in piratical pursuits. The first master of her was a European of the name of Johnston, a correct and respectable man, who left her because he could not agree with the Chinese on board. Wong Akee wished to get another European master for her, and asked me to assist him in doing so. As I was about to be absent from the Colony, I asked the Harbour Master, as a favour, to get a good and trustworthy man to take command of her. He put on board an Englishman named Bancroft, who had formerly been master of a ship, and he remained in her until the month of April 1857. Is it at all likely that Wong Akee would have given the command of his lorcha to a European who was a perfect stranger to him—whom he had never seen before, and who had been sent to him by the Harbour Master of the Colony, if he used the lorcha for piratical purposes? The thing is absurd on the face of it. The lorcha had been dispatched on a trading voyage to Cochin China, and on her return, she was chased by pirates in to a place called *Ma-me*, about 150 miles from Hongkong, and there blockaded for the space of two months and upwards. On his arrival here, Captain Bancroft reported the circumstance at the Colonial Office, where I happened to be at the moment, and this was the first time I had ever seen him. The fact of the lorcha being attacked by Chinese pirates is another proof that she could not have been a piratical vessel herself, for there is "honor even among (piratical) thieves"—they never attack each other for purposes of plunder.

During the time I was engaged with the *Eaglet* and not in Government employ, I employed Wong Akee to superintend the building of some small houses for me. I likewise employed him to negotiate the purchase of a piece of ground from a Chinaman whom he brought to me himself, and I entrusted him on one or two occasions with the collection of some small sums of money due to me by Chinese for freight, who happened to be better known to him than they were to my Agents. There were also a few other small matters in which I made use of his services,

but of too trivial a nature to be detailed. These comprise the whole of the transactions I ever had with Wong Akee in the way of business, commercial or pecuniary, and in all of them I found him punctual and trustworthy. All this happened, be it remembered, when I had no connection whatever with the Government service. I was my own master, independent of official restraint, and at liberty to trade and transact business with whom I pleased. I never knew Wong Akee to be a pirate or a confederate of pirates, nor had I any reason to suspect that he was ever engaged in any such practices. I think I can safely say that I have known almost every fleet of piratical vessels that have ever committed depredations at sea within a radius of 400 miles of Hongkong, as well as the names of all noted pirate chiefs. I have been engaged, in numerous instances, in tracking them to their haunts on nearly every part of the coast in Her Majesty's ships of war, and have been instrumental in the capture or destruction of the most noted and most dreaded of these bold marauders; and it is strange indeed that if Wong Akee was the "notorious pirate" which Messrs. Anstey, May, and Dixon would make him out to be, I should never once have fallen in with this "Jonathan Wild of the Chinese seas," or some of his vessels, in all my many cruises, or that any of Her Majesty's ships, similarly occupied, should never have met with some traces of him, or his vessels, or learnt something of their doings!

It has been said also that the "numerous cases" brought against Wong Akee at the Police Court, prove him to be a notorious pirate and a confederate with pirates. Now I challenge Mr. May and Mr. Anstey to produce from the records of the Police a single case of piracy, or of confederating with pirates brought against Wong Akee previous to the one upon which he was lately convicted, and which I will refer to more particularly presently. Where then is the evidence of his being a "notorious pirate," a "resetter of pirates," the "Jonathan Wild of the Chinese seas"? Where, except in the unfounded statements of Messrs. Anstey and May; in vague Hongkong rumours, and in the columns of the *China Mail* newspaper under the editorship of Mr. Dixon? It is true the other papers of the Colony took up the cry, and the whole pack were down upon him, but it is only those who are ignorant of the *morale* of a Hongkong newspaper, who place any reliance on its strictures on personal character—always scurrilous—seldom or never truthful. According to these sorry representatives of the fourth estate, the thriving Colony of Hongkong is a perfect Pandemonium—the Governors and public officers all rogues—the merchants all swindlers—the other European inhabitants of the Colony all hungry adventurers, if not something worse, and the Editors themselves, according to their own estimate of

each other, a set of reprobates, of whom nothing which they can say, is too vile or too disreputable. I instance in particular the *Daily Press* and *Friend of China*.

It was in this spirit of Hongkong journalism, that the *China Mail*, under the editorship of Mr. Dixon, pursued the unfair and un-english course of "writing down" Wong Akee *before his trial*—doing its utmost to inflame and prejudice the public mind against him by representing his character in the blackest colours, charging him with all manner of crimes, and apparently with such success, that although the evidence adduced against him at the trial was of the weakest nature,* the jury, to the astonishment of the Judge, brought in a verdict fo guilty.† One of the jurymen was heard to declare during one of the adjournments of the case, before the evidence was concluded, and before the prisoner had commenced his defence, that he had made up his mind to convict him! The Counsel for the prisoner brought this improper conduct of the jurymen to the notice of the judge, who gave him the option of calling another jurymen, or going on with the case. The Counsel was so confident that no conviction could take place upon such evidence, that he preferred proceeding with the case. I may mention also that this case was in the first instance brought before the Chief Magistrate, but so weak was the evidence against Wong Akee, that he discharged him. He ordered him however to find bail for his appearance when required. It was after this that Mr. May got up another information against Wong Akee, upon which he granted his own warrant, and Wong Akee was again arrested, and finally committed for trial on both cases. It is asserted by Mr. Anstey, that this second case was the strongest of the two. The Acting Attorney General, however, was of a different opinion. It was not tried because the prisoner had already been convicted and sentenced on the first one. It is to be regretted that this second case was not gone into. It would have revealed the extraordinary manner in which the information was got up, and other proceedings on the part of the Police, showing a determination, at all hazards, to crush this unfortunate man.

For Mr. Dixon's dislike to Wong Akee there was a cause. It is with reluctance that I make any allusion to it; but as Mr. Dixon has taken so much pains to prejudice the public mind against Wong Akee, and as I verily believe that his articles in the *China Mail* had more influence in bringing about his conviction, than the actual evidence adduced at the

* The Acting Attorney General who prosecuted the case, stated before the Commission, that the evidence against Wong Akee "was purely circumstantial."

† The Chief Justice afterwards declared in Council, that he never expected such a verdict, upon such evidence.

trial itself, I feel that I ought not to allow any feelings of delicacy towards Mr. Dixon, (against whom I bear no ill-will) to prevent my making public, what I believe to have been the cause of his enmity to Wong Akee, and by which he was led to make assertions against him, which he rather *wished* to believe were true, than that he actually believed them to be so.

Some time ago, before any thing was ever said against Wong Akee, I recollect his coming to me and telling me that he was afraid he had got himself into trouble with Mr. Dixon. He said he had had a quarrel with Mr. Dixon's kept mistress—a Chinese Woman—who had threatened to complain to Mr. Dixon against him and get Mr. Dixon to bring him into some trouble. I told him that as long as he conducted himself uprightly, our laws would protect him, and that he need not be under alarm.

About this time Wong Akee was the holder by endorsement of a Promissory note from a woman named Akew, who was a friend of Mr. Dixon's mistress. Twenty Dollars of the amount had been paid to him, and on his demanding the balance, he was surprised at receiving a note from Mr. Dixon, written in Chinese, desiring him to come and see him on the subject, which Wong Akee said he refused to do. He was still more surprised, he said, when, a day or two after, he received a summons to appear at the Police Court to answer a charge of *extortion*—the subject of the alleged extortion being the Twenty Dollars the woman Akew had voluntarily paid to account of her debt! Mr. Dixon himself appeared against Wong Akee at the Police Court in behalf of his mistress' friend Akew. The Chief Magistrate, Mr. Hillier, dismissed the charge of extortion, but as he was of opinion ~~that~~ the money for which the note was granted, had been advanced by the original payee for an immoral purpose, he ordered Wong Akee to refund the Twenty Dollars he had received; and as the woman Akew stated that she was afraid Wong Akee would do her some injury, he was bound over to keep the peace towards her.

This is the case of "extortion" mentioned by Mr. Dixon in his evidence before the Commission, and it will be seen that Mr. Dixon was not uninfluenced by his private feelings when he commenced his violent public crusade against Wong Akee in the columns of the *China Mail* newspaper.

But it is now time to notice the extracts Mr. May is said to have made from Wong Akee's books and papers, seized by the Police at the time of his arrest, and which are relied on by Mr. Anstey and him as "containing the daily evidence of the piratical occupations of Wong Akee." Mr. Anstey indeed goes further; for in his letter to the Secretary of State,

he says, the entries in these memoranda shew Wong Akee "to have been engaged habitually and by way of vocation in piratical operations on the largest scale. They tell of the equipment and armament of pirate ships, despatch of such on piratical expeditions, resetting of pirates at home, confederacy with pirates and assassins abroad, kidnapping at Hongkong and the Slave trade in the Straits of Malacca."

Mr. Anstey seems to have exhausted not only the whole list of crimes contained in the maritime calendar, but also his own inventive powers, fertile as they are, in the above category; and yet there is absolutely nothing in the whole contents of Mr. May's memoranda to justify the propagation of a single item of the above charges.

In the same extravagant language, and with his usual habit of distorting harmless facts into accusatory matter, Mr. Anstey puts forth the following philippic against myself. "Those which affect Mr. Caldwell shew him to have been during the whole period of those avocations of Mah-chow Wong in intimate and private relations with that convict. There is a message of thanks to himself through Mah-chow Wong from a Chinese Mandarin during the late war for assisting to recover and restore Government plunder made by the Queen's troops from the writer's station. There are payments of money to Mr. Caldwell and receipts from him and on his account. There is a transaction binding a Chinaman of Hongkong who has a suit for lands there to make them over (if the suit succeeds) to the party conducting the suit (that is to say, Mr. Caldwell) for the sum of 1,500 Dollars, out of which Mr. Caldwell, though not a lawyer certainly, may also retain to himself the sum of 500 Dollars for costs."

I have already stated the instances in which I have ever had transactions, either of a commercial or pecuniary nature, with Wong Akee. I have never sought to conceal or deny them. They occurred when I was engaged in mercantile operations, when I had no connection with the government, and they were of a character to bear the closest scrutiny.

The "message of thanks" to myself from the Chinese Mandarin was simply this: On my return to the service in 1856 I was directed by His Excellency the Governor to proceed personally to the Chinese Commandant at Cowlong, a small Chinese town in the immediate vicinity of Hongkong, and to restore to him, in the name of His Excellency, certain articles which had been brought away from that Station by our troops when they visited it a short time previously. I was to proceed with a force from the Police, and fearing that the commandant (who had on a previous occasion been brought away a prisoner to Hongkong) might suppose that we were coming to seize him again, I desired Wong Akee—who was on friendly terms with the Mandarin—to inform him of the

object of my visit. The "message of thanks" was simply the commandant's reply to Wong Akee's letter of information.

The "payments of money to Mr. Caldwell, and receipts from him and "on his account" have reference solely to the transactions I have already mentioned as having taken place between myself and Wong Akee when I was engaged in trade.

The last imputation Mr. Anstey throws out, is that of "a transaction binding a Chinaman of Hongkong, who has a suit for lands there, to make them over (if the suit succeeds) to the party conducting the suit (that is to say Mr. Caldwell) for the sum of 1,500 Dollars out of which Mr. Caldwell though not a lawyer certainly, may also retain to himself the sum of 500 Dollars for costs."

Now let us look at the entry in the memoranda made by Mr. May upon which this broad and circumstantial statement is founded. It is as follows:

"A red paper of \$1,500 transactions between Foong Hok Sheng, Wong Akee and Mr. Caldwell."

This is the whole of the entry. The paper itself, it seems, was not translated, but had it been so, it would have been found to contain the particulars of the transaction I have already referred to, namely, the negotiation for the purchase by me of a piece of ground from a man brought to me by Wong Akee. This man (Foong Hok Sheng) was the owner of a piece of ground in the lower bazaar which he wished to dispose of. I had agreed to purchase it and to pay \$1,500 of the purchase money in advance, and the balance on the completion of the transfer, and I requested Wong Akee to have an agreement drawn up to that effect. Finding afterwards that it would be necessary for Foong Hok Sheng to commence a law suit to eject the tenant, I paid only 500 Dollars, and the "red paper" referred to in Mr. May's memoranda was probably the draught of the *first* agreement, as I subsequently obtained another for the 500 Dollars. The statements as to my "conducting the law suit," and the retention by me of "500 Dollars for costs," are pure inventions either of Mr. Anstey, or his accomplice, Mr. May.

Mr. May's memoranda contain no fewer than seventy three extracts taken from Wong Akee's books and papers, embracing upwards of a hundred items; but, with one exception, I shall refer only to those entries which have reference to my own transactions with him, and these are:

"Entries in rough memorandum-book 11th day 4th month 1855, one picul of rice to Mr. Caldwell," [worth about 2½ Dollars.]

"26th day 4th moon paid on account of Wong-kow-man, of a Tor boat \$130 to Mr. Caldwell."

The person named Wong kow-man here spoken of, chartered, through me, the Peninsular and Oriental Company's Steamer *Canton*, also the Steamer *Sir Charles Forbes*, at an expense of 6,000 Dollars and upwards, to accompany Her Majesty's ships in search of a fleet of pirates which had captured some of his vessels. When he paid the charter money, he was \$130 short, which I advanced for him, and I requested Wong Akee, to whom the charterer was well known, to get back this sum for me, which he did, and the above is the entry of the transaction.

" Received from Atchow \$10 steamer money. Entry 1 steamer \$17.

" 21 day seventh month received from Mr. Caldwell \$17."

These were some small sums due to me for freight, and which, as before stated, I employed Wong Akee to collect. The last item should be *paid to* and not "received from Mr. Caldwell" which is a mistake probably of the translator.

" 2 —, — received by the hands of Mr. Caldwell \$120."

This sum was an advance paid by me to Wong Akee for the charter of one of his lorchas in 1855, at which time, I chartered also seven other vessels to carry goods to Hoi-how. To each of these vessels I paid a like advance of 120 Dollars.

" Expense book of 1851, 1852. Mr. Caldwell account money received from or for 11 different amounts, total 616 taels 4 maces 6½ candarins only sums of money written."

As I have before stated, I employed Wong Akee to superintend the building of some houses for me, for which purpose I paid him money from time to time, and of which the above are doubtless the entries. The translator, however, has made a mistake in the year, as this occurred in 1855.

" Due by Low Atuck to Mr. Caldwell \$160—18 day 5 month received by Akee this \$160."

This was a sum overdrawn by the owner of one of the lorchas I had chartered. Low Atuck, the man named in the entry, became surety to me for its repayment. I authorized Wong Akee to receive the money and apply it towards the building of the houses, he having about that time applied to me for further advances :

" A letter from Cheong the present Commandant at Cowloong to Mr. Loong (Akee's Clerk) relative to the seals and other things taken away by the military when they visited Cowloong, thanking Mr. Caldwell and Messrs. Loong and Wong Akee for the trouble they took in obtaining the things."

I have already explained the circumstances which produced this letter of thanks from the Commandant of Cowloong.

“A red paper of \$1,500 transactions between Foong Hok Sheng, Wong Kee and Mr. Caldwell.”

This has reference to the negociation for the purchase of a piece of ground, the circumstances of which I have also already explained.

These comprise the whole of the extracts made by Mr. May and his interpreter from the books and papers of Wong Akee in any way relating to myself. Is there in any one of them a single objectionable circumstance, or aught else to justify the character given them by Mr. Anstey? These transactions occurred also when I was engaged solely in mercantile and maritime speculations, and when I had nothing whatever to do with the Government service.

In constructing the following paragraph Mr. Anstey seems to have exhausted the whole of his ingenuity as well as his venom. It was scarcely possible for him to have added to the calumnious charges it contains. I confess that on first reading it I did not know whether to believe that these accusations were intended to apply to myself, or to Wong Akee:

“The books and papers of the pirate had been seized in his hong. They contained numerous entries of Mr. Caldwell’s participation in the secret business and profits of the pirate. There were entries of moneys received from him—of moneys paid or payable to him—of arms, stinkpots and munitions of piracy supplied by or through him—of his connection as agent or manager of the ‘Sun-on Wo,’ or house of the Sun-on people at Hongkong (the gang of Mah-chow Wong) of communications with the Chinese enemy on the opposite shore at a time when rewards for Barbarian heads was the subject of every proclamation—of dealings with gambling houses at Hongkong—of administration of Mah-chow Wong’s estate of Tsim-char-chow already mentioned, on the other shore, the rightful inheritance of the Tung family,—and of the transactions of the now confessed partnership in the lorchas.”

To say that these atrocious charges are all grossly false, is not enough. They are the deliberate inventions and fabrications of a man who seems to have lost all regard for the sacred principles of truth, and who is so blinded by the violence of his vindictive feelings, that he ceases to observe any distinction between the correctness of an established fact, and the baselessness of a calumnious fabrication.

The whole of the items contained in Mr. May’s memoranda referring to myself I have already given, and they therefore speak for themselves. Whether they bear Mr. Anstey out in the above tirade of most iniquitous accusations against me, I leave the reader to decide. Mr. May’s examination of these books and papers was a minute and searching one, and had they contained any evidence in support of such charges as Mr. Anstey sets forth in the above paragraph, neither Mr. May nor his par-

tisan interpreter, would have overlooked it; nor was there anything in the subsequent examination of the same books and papers by the acting Chinese Secretary, to justify these reckless assertions of Mr. Anstey.

Mr. Anstey says in continuation, "at a preliminary examination, " some of these items were read out openly in a crowded Police Court. " Mr. Caldwell knew—he could not but have known, the existence of " these dishonoring entries. But he made no sign of knowledge. He " continued after as before and even to the last openly to be friend the " Pirate whose hand had recorded those entries to his discredit."

Where are the "dishonoring entries" Mr. Anstey refers to? They certainly do not appear in Mr. May's extracts. Had any such entries been read out in the Police Court, it must have been so done by the Chinese Interpreter. Would he or Mr. May have forgotten these criminalizing entries when they prepared their list of extracts from Wong Akee's books and papers? Had there been, as Mr. Anstey asserts, "numerous entries of Mr. Caldwell's participation in the secret business and profits of the pirate," would Mr. May have silently passed them over and selected only those which bear no such construction? Could Mr. Anstey have forgotten the statement of his chief witness, Mr. May, before the Commission in reference to these very memoranda, that "there " was *no entry* in his memoranda to the effect that certain moneys had " been or were to be paid out of the proceeds of plunder to or for or on " account of Mr. Caldwell"? Verily Mr. Anstey possesses the art of improving upon his text in a remarkable degree, and his conduct in this respect forcibly reminds one of the lying valet in Sheridan's play:

FAO. I beg pardon, Sir: but, with submission, a lie is nothing unless one supports it. Sir, whenever I draw on my invention for a good current lie, I always forge the endorsements as well as the bill.

I cannot dismiss the subject of these reckless charges without exposing the absurdity of one of them; that of my having "communications " with the Chinese enemy on the opposite shore, at a time when *rewards " for Barbarian heads were the subject of every proclamation.*" I have never held communications with officers of the Chinese government except upon subjects connected with the Colonial government and by order of the Governor. Mr. Anstey knew perfectly well, as indeed did every one else who was in the Colony at the time he refers to, that the very highest of these rewards (20,000 Dollars) was offered by the Mandarins *for my own head* and that of the Lieutenant Governor of the Colony! Mr. Anstey also knew, as will be seen presently, that, aided by information I had received, (for which I was indebted to Wong Akee) I discovered and apprehended in a house situated at the back of this island one

of the emissaries of the Mandarins, (he being a man belonging to the Colony and acquainted with the persons of the Lieutenant Governor and myself) who had been employed, with others, for the very purpose of securing the heads of Colonel Caine and myself; and that I also found concealed in this house, the letter addressed to this man by Chun-qui Chik, the Mandarin of Sha Cheang, containing the offer of this very reward if he succeeded in bringing over to him either Colonel Caine's head or my own. This man was tried at the Supreme Court for Treason, convicted, and sentenced to transportation for life, *Mr. Anstey himself conducting the prosecution as Attorney General of the Colony!!* In the face of this he makes the above charge against me. It is an insult to common sense to suppose that I could be holding friendly communications with the Mandarins of the Chinese government at a time when they were seeking my life!

There is again his still more absurd statement of my "connection as "agent or manager of the '*Sun on wo*' of the Sun on people at Hongkong;" as if it were possible for a Christian to act in the management of a heathen *Congsu* house? To do this it would be necessary for him to go through the idolatrous ceremony of what is popularly known here as *Chin Chin Joss*, which consists in bowing down with the head to the ground to idols, offering up of propitiatory sacrifices of pigs, goats, cakes, &c. to their deities, the burning of sacrificial paper, and other heathenish observances.

Were it not for the great length and uninteresting nature of the extracts which Mr. May has embodied in his memoranda from the books and papers of Wong Akee, I would publish them *in extenso* in order to shew how little Mr. Anstey's statements in regard to them are entitled to credit. With the exception of a few unimportant items, they consist of entries which may be found in the books of every Chinese shopkeeper in the Colony in the same line of business as Wong Akee; and, with the exception of one solitary item, there is nothing in any of them which can properly be construed as referring to pirates or piracy.

The exception I refer to is the following:

"A letter of money lent \$22 and 8 taels to a celebrated pirate named Chu Ahquai, now an officer of Chun Queh Tsik. This man was the man (*sic.*) charged with extortion who Mah Tsow Wong aided to escape for which Mah Chow Wong was [let] off."

This is Mr. May's version of the entry, but divest it of the dressing up Mr. May has given it, what does it amount to? "A letter of money lent \$22 and 8 taels to a man named Chu Ahquai."

This Chu Ahquai was formerly a resident in Hongkong. He left the place about three years ago and joined the rebels who were in open war

against the Chinese government. How long he was thus engaged, I do not know, but he was next heard of as commandant of a fleet of piratical vessels cruising in the neighbourhood of Lintin and Cap-sing-moon. Shortly after this he was taken into the service of the Chinese government, where he still remains, under the celebrated Chun Quai Tsik, the Mandarin who shewed more active hostility against this Colony during the *Arrow*-war, than any other officer of the Chinese government. It is not by any means probable that this Chu Ahquai would have dared to shew himself in Hongkong—where his person was well-known—after he had left it to turn pirate, rebel and mandarin; and therefore it is not too much to infer that this small sum of 22 Dollars was lent to him while he was a resident in the Colony. Indeed the very fact of the note remaining in Wong Akee's possession, is *prima facie* evidence that he has not had the opportunity of enforcing its payment.

The probability of this sum being lent to Chu Ahquai *before* he became pirate receives additional support also from the fact that Mr. May has not thought fit to give *the date* of the note. All Chinese are very particular about dates, and it would be absurd to suppose that in a note for the payment of money a man of business like Wong Akee would omit to insert the date. That the note had a date, I think there can be no reasonable doubt. Why has Mr. May suppressed it? Had the date been one which would have made out the fact which it was so much Mr. May's interest to establish, namely, that this money was lent to Chu Ahquai *during the time he was known to be engaged in piratical practices*, there is not a doubt that Mr. May would have set it forth. Indeed, to a man like Mr. May, who is said to possess some ability in analyzing and sifting evidence, the *date* of the note would have been the first point to which he would have directed his attention; and yet this date, which would either have proved the truth of Mr. May's remarks on this entry, or cleared Wong Akee's character, is not given! It was clearly Mr. May's duty to furnish the date of a document (in itself harmless) to which he has appended those damaging remarks. His reason for suppressing it is best known to himself. If, on the other hand, the note bore no date at all, it was equally his duty to have stated it, as he has done to other entries in his memoranda, insignificant in their character, and having no bearing whatever on the question of Wong Akee's alleged connection with pirates.

The latter portion of Mr. May's remarks on this item deserve also to be noticed :

“This man was the man charged with extortion, who Mah Tsow Wong aided to escape for which Mah Chow Wong was [let ?] off.”

The case to which this remark refers was as follows :—During the time that Chu Ahquai was a resident in the Colony, and before he took to his piratical courses, a charge of extortion was brought against him at the Police Court. It was said or supposed that Chu Ahquai was concealed in Wong Akee's house, and a constable was sent to apprehend him. The constable was an *Indian*, and having no warrant, and being unable to make himself understood as to what he wanted, was forcing himself upstairs into the family part of Wong Akee's house. Wong Akee naturally objected to this proceeding, and would not allow the Indian to enter. Upon this, Wong Akee was charged with having obstructed the constable in the execution of his duty ! He was summoned before the Magistrate, but there was no proof whatever of Chu Ahquai being in Wong Akee's house, and altogether the circumstances attending the supposed obstruction were such, that he was immediately discharged.

But Wong Akee did not rest satisfied with this. In order to clear himself of even a suspicion that he was harbouring Chu Ahquai, and shielding him from justice, he immediately set about getting him apprehended. He succeeded in doing so, and Chu Ahquai was committed for trial. He was acquitted of the charge, and he immediately left the Colony, in no friendly mood, it may be supposed, towards Wong Akee for having been the cause of his apprehension. Chu Ahquai has never since returned to Hongkong.

The above facts were perfectly well-known to Mr. May when he penned his remarks on this particular item, for he applied to me at the time (although I was not then in the service) to assist him in securing the attendance of the witnesses at the trial against Chu Ahquai ; and they bear the fullest confirmation of the fact of the 22 Dollars having been lent to Chu Ahquai *before* his apprehension by Wong Akee's means—*before* he left the Colony, and, *a fortiori*, *before* he became rebel, pirate, and Mandarin as above stated. The imputation, therefore, of Wong Akee's complicity with a “celebrated pirate,” so disingenuously introduced by Mr. May in his remarks on this particular transaction, completely falls to the ground.

I have selected this one item for remark because, as I have said before, it is the only one in the whole of these much vaunted memoranda that has any reference whatever to pirates or piracy, and then only by reason of the remarks Mr. May has attached to it ; the aggregate of the items of ammunition and arms being barely sufficient for the ordinary equipment of *two* large size trading lorchas, of which vessels Wong Akee, for some time, owned four.

While upon the subject of these books and papers, I shall notice another of Mr. Anstey's charges against myself. He says in his pamphlet, in reference to the report made by me on an examination by the acting Chinese Secretary and myself, of the books and papers of Wong Akee after his trial, by order of the Governor, that, "it is now admitted that "this report had been prepared and presented by Mr. Caldwell himself, "the party under suspicion of practising deceit upon the Government; "that the books and papers had actually been referred to him for that "purpose, and that although the acting Chinese Secretary Mr. Mongan "had been directed to help him, *the chief part of the examination had "fallen on the accused*, and that the labour of his assistant had been "very cursory." He says further that the report "was a false compilation of the entries relating to the convict and Mr. Caldwell."

Now what are the facts? After Wong Akee's trial his books and papers were sent by the Government to the office of the Chinese Secretary. I was directed to report, with Mr. Mongan, the acting Chinese Secretary, on whatever might be found in them "favourable or unfavourable to Wong Akee." The acting Chinese Secretary had the books and papers in his possession. They were contained in sealed parcels. Mr. Mongan told me he had instructions not to let any of the books or papers go out of his sight, and he was very particular about them. The examination was conducted in the following manner:—Mr. Mongan, assisted by his Chinese Teacher, sitting at one desk, opened each parcel and examined their contents; and as either document or entry struck his attention it was handed over to me for translation, which, with the aid of my Chinese clerk, sitting by me at another desk immediately in front of Mr. Mongan, I performed. As I finished each translation, I returned the original to Mr. Mongan, who then gave me another, and in this manner we proceeded to the end of the examination.

The *selection* of each paper for translation was made by Mr. Mongan himself. I had no means of seeing or making myself acquainted with the contents of any of the books or papers save those which Mr. Mongan selected and handed to me. The responsibility of the *selection* of the entries and papers for translation, therefore, rested entirely with the acting Chinese Secretary. I merely translated into English such as he thought were necessary to be submitted to the Government. When I had completed the report of the examination, I submitted it to Mr. Mongan for correction; he expressed himself satisfied with it, and the report was then sent in to Government. It will be seen from this how little truth there is in Mr. Anstey's statement that "the chief part of the examination had fallen on me."

As to the charge of the report being "a false compilation of entries" let the acting Chinese Secretary speak for himself. He says in his evidence before the Commission, "I was requested to afford Mr. Caldwell every assistance in my power in the *translations* required, *favourable* or *unfavourable* to Ma-chow Wong." "I was assisted by my Chinese teacher and Mr. Caldwell had his Chinese clerk. I and my teacher first sorted the papers, and in doing so, ran over their contents and any that were of a suspicious nature we put on one side." "The papers put on one side were then examined by Mr. Caldwell and the contents noted down. In doing this Mr. Caldwell consulted me, and also upon what he noted down, I think, but am not quite sure, that this examination occupied about three half-days. As far as I was concerned, I should call it a cursory examination; I should not call it a searching one unless I went over every item myself and compared it with the books. Of this I am certain, that I saw nothing of a suspicious nature in the books which I did not put on one side, and I believe all those so put aside were afterwards examined. I think it *hardly possibly that anything of a suspicious nature escaped me*, but I cannot pledge myself to the exact accuracy of every item noted down. I have read through the report made on the examination of the books by Mr. Caldwell, and do not recollect seeing any entries of a *suspicious* nature not therein enumerated."

If therefore the report prepared by me from the books and papers selected by the acting Chinese Secretary and handed to me for translation, be, as Mr. Anstey asserts it is, a "false compilation of entries," and does not contain the same entries which Mr. May has made in his memoranda, the fault does not lie with me. But Mr. Anstey attempts to account for the discrepancy between this report and Mr. May's memoranda, by alleging that some of Wong Akee's papers must have been abstracted between the time that Mr. May made his translations at the Police Station, (which was before Wong Akee's trial) and that of Mr. Mongan's examination of them at the office of the Chinese Secretary; and although, strange enough, Mr. Anstey does not expressly charge me with having made this abstraction, his insinuations point pretty broadly thereto, for in his letter to the Secretary of State, he says, that "Mr. Caldwell and the convict's Attorney, Mr. Stace, had been allowed during the preparations for his trial to have free access to these important documents, and even according to one authority, to carry them away from their temporary place of custody."

It is not true that I had free access to the books and papers of Wong Akee previous to his trial, nor did I ask for or require it. Nor is it true that they were carried away by me, or by any one else that I am

aware of, from their temporary place of custody. Mr. Stace, Wong Akee's Solicitor, was permitted to see the papers at the Central Police Station, and he had with him to assist him in his examination of them, a Chinese preacher attached to the London Missionary Society's establishment; a correct and upright man, in no way interested either for or against Wong Akee. I was only there on two occasions on my way to and from my office, once for about the space of half an hour, and once a little longer. I took no part in the examination, and never even looked into a book or document, save one unimportant paper which Mr. Jarman, the head Inspector of Police, casually handed to me. Whether any documents or books could possibly have been abstracted, will be best seen from the following extracts from the evidence given before the Commission by Mr. Jarman himself, in whose care and custody the books and papers remained from the time of their seizure, to that of their transmission to the office of the Chinese Secretary :

" While the books and papers were being examined I was sitting at the table on which they were placed. I considered it a part of my duty to see that no papers were taken away, and that all that were examined were returned to my custody, *and I did so.*"

" From the time I seized them until I sent them up to the Magistracy for transmission to the Government Offices, they remained in safe custody in my hands, and *I do not think it possible that any of them could have been abstracted.*"

A great deal has also been said to my prejudice by M. Anstey because, when application had been made to the Government by some of the Chinese inhabitants for a pardon to Wong Akee, I interested myself in support of the application. I admit that I did so, and I can only regret that my endeavours did not prove successful. I did not at the time, nor do I yet believe that Wong Akee was guilty of the offence of which he was convicted. I do not believe that he ever confederated with pirates, or had any connection with them. On the contrary, I knew that he was always opposed to them both from inclination and personal interest, and that he voluntarily gave information obtained by him from the fishing Junks, in numerous instances against them, which often led to their destruction. The Acting Attorney General who prosecuted the case admitted that the evidence against him was of a purely circumstantial nature, and the verdict was such as the Judge himself did not expect from the evidence. I believed at the time, and do still believe that Wong Akee was the victim of a certain person's envious feelings against myself, and spite against the man who had made himself so useful to me when I was Assistant Superintendent of Police; of Mr. Dixon's private feelings of animosity, which induced him by means of his paper the *China Mail*, to prejudice the public mind against him; and of the hostility of the

Chinese Interpreters of the Police Court (always, from their position, men of influence among their countrymen) and other subordinates in the Police, to whom Wong Akee had rendered himself obnoxious by bringing to light their mal-practices, and who saw the efforts which were being made by their chief to crush him. I may not succeed in removing the prejudice which exists against Wong Akee; but that shall not deter me from expressing my own convictions regarding him.

Besides being actuated by a conviction of Wong Akee's innocence, I interested myself in his behalf in consideration of his many acts of public usefulness,—of the many instances of valuable and truthful information he readily and willingly gave me against delinquents in the Colony, but more especially against the pirates of the China Seas; and it was to his activity and fidelity that I probably owed my own life, when it was placed in jeopardy by the offer of the Mandarin's reward of 20,000 Dollars for my head. He it was who gave me information of the presence in the Colony of the Mandarins' emissaries. If, in aiding the application for a pardon to Wong Akee under such circumstances, be a crime, I at once freely confess it, and I give Mr. Anstey the full benefit of the admission. From first to last I believed the case to be one of hardship and oppression, and in assisting the prisoner, I neither overstepped the line of my duty as Protector of Chinese, nor committed an act which could, by any possibility, render me liable to censure.

Much has also been said by Mr. Anstey about the burning of Wong Akee's books after the decision on the application for his pardon had been given. This application was refused, and Wong Akee was left to undergo his sentence. What further use was there for a parcel of Chinese books which, according to the Acting Chinese Secretary, were only lumbering his office? This officer complained of the incumbrance, and they were ordered to be burnt; and Mr. Anstey seizes that circumstance to indulge in further detraction of myself. He does not allege that I had anything to do with the burning of the books, but he professes to be under the "conviction" that they contained evidence against myself of complicity with pirates, &c., and he charges the authorities with having destroyed these books for the purpose of screening me! Were not these books examined by Mr. Anstey's own accomplice Mr. May? and was not the discovery of accusatory matter against myself one of Mr. May's objects in doing so? Mr. May has embodied the results of his search in his memoranda so often referred to by Mr. Anstey, and so much relied on by him in his charges against myself. If these books contained proofs of my complicity with pirates or of any other offence, how is it that Mr. May has not set them forth in his memoranda? Could he, or would he have overlooked them had they been there?

These books and papers were, during several weeks in his custody, or under his control; and if his memoranda do not contain the damnatory evidence Mr. Anstey refers to, we may rest assured it was not from want of inclination or industry on the part of Mr. May, and his Chinese Interpreter.

The Commissioners in their report when referring to the burning of these books, state, that "it has been clearly proved that their destruction was ordered solely because they incumbered the Chinese Secretary's office, while it appeared that they were then of no value, and could not be further required."

There are some other accusations of a minor character which Mr. Anstey sets forth against me, such as what he calls "deceiving Mr. May into the delivery of certain gold dust to a false claimant"—imputing a want of honesty to me, on the opinion of Mr. Hudson, in the failure of an attempt to discover the perpetrators in a case of robbery of tin, &c., which I can afford to treat with contempt, since I have shewn how little his other statements are entitled to credit, even in his more serious charges against me. I will merely say that these accusations exhibit the same perversions of fact, the same flagrant disregard to truth, which characterise all his other charges, and that they bear upon the face of them the same malignant impress.

I feel satisfied that no one possessing any delicacy of feeling, will expect me to enter into the particulars of the infamous and unmanly attempt Mr. Anstey has made to defame the character of my wife; as if his accusations against myself were not sufficient, in themselves, to satisfy his insatiable malignity. It will, I trust, suffice, if I declare in the most solemn and earnest manner, that the aspersion against my wife is as false as it is dastardly, and that it has foundation neither in fact nor probability. That Mr. Inglis was mistaken in the conclusion he arrived at when giving his evidence before the Commission, is a question which those who knew my wife never for a moment doubted; and that he made this statement under a misapprehension of a circumstance occurring as far back as thirteen years ago, rather than from a deliberate intention to traduce an innocent woman, I am willing to believe. I can only hope that Mr. Inglis may yet see his error, and when he does so, that his sense of honor, and his feelings as a gentleman, will induce him to come forward and frankly avow it. Of Mr. Anstey I have no such hope.

I deem it necessary also, in justice to myself, to make a few observations on some of the proceedings and findings of the Commissioners.

Although the Commissioners appointed to inquire into the charges brought against me by Mr. Anstey have acquitted me of the whole of them, I cannot help taking exception to the vague and ambiguous man-

ner in which some of their findings are worded. That two of the members of that Commission exhibited from the commencement a strong bias against me, was too palpable to be doubted. Mr. Cleverly, the Chairman, Mr. Lyall, and Mr. Fletcher I believe to have been actuated by an upright and impartial feeling to arrive at the truth of the matters they had been appointed to investigate, however distasteful and repugnant to their sense of delicacy, many of the questions brought forward by Mr. Anstey, may have been. I cannot however pay the same tribute to either of the two other members, Mr. Davies and Mr. Scarth. The former was notoriously a partisan of Mr. Anstey, and did his best to support him in his iniquitous proceedings against me. Mr. Davies' conduct, even after the close of the Commission, in taking the extra-judicial statement of a man named Kirtly—another instrument in the hands of Messrs. Anstey and May—involving grave charges against myself (the falsity of which I had no difficulty in establishing to the entire satisfaction of His Excellency the Governor) and forwarding the same to the Government, in the hope of further injuring my character, was of so gross a nature, that I felt it my duty to bring his conduct publicly to the notice of the Government, with a request that some official cognizance might be taken of so flagrant an abuse of his powers as a Magistrate.

Of the other member, Mr. Scarth, and his ability to form an opinion on the various matters investigated by the Commission, I leave the reader to judge, when I quote his friend Mr. Anstey's own words respecting him. In para: 37 of his letter to the Secretary of State, in speaking of Mr. Scarth, Mr. Anstey says, that "his extensive mercantile occupations elsewhere, caused him to be absent [from the sittings of the Commission] *whole days*, and seldom allowed him to be present *for more than an hour at a time during any one sitting* of the commission." How could such a man undertake to give an opinion at all? It is true he may have read the minutes of the evidence; (which I very much doubt, considering his "extensive mercantile occupations") but it is not so much from the evidence of a witness, as from his demeanor at the time of giving it, that its value should be judged. Mr. Scarth had few or no opportunities of witnessing what was so palpable at this investigation, namely, the undisguised animosity of the prosecutor—the strong animus of his chief witness, Mr. May, and the gross prevarications of others. Knowing his deficiency in this respect, Mr. Scarth seems to have entirely surrendered his judgment to the keeping of Mr. Davies, for in his own letter to Mr. Anstey, as quoted by the latter, there occurs this extraordinary passage: "Excuse haste as I am off to Macao. But as Mr. Davies and I agree in nearly all matters relative to the Caldwell inquiry, *he will act for me if there is any thing to be done in further*

“giving an opinion on the subject”! I need say no more of the unfitness of such a person to form a correct judgment on the various matters brought before the Commission, which involved the examination of *Sixty-nine* witnesses, which occupied in their investigation no less than *Twenty-five* sittings, extending over a period of Seven weeks, and from which he was “whole days” absent, and never present “more than an hour at a time during any one sitting”!

One of Mr. Anstey’s charges against me was the following :

“Charge 13.—With inducing the Attorney General at the beginning of 1857 to order the release of a great number of men, who Mr. May knows to have been pirates, and who Mr. Caldwell ought to have known at the time were pirates.”

The charge itself, to say the least of it, is an extraordinary one—the finding thereon, however, is still more so :

“Finding.—That of the fact stated in charge 13 of the release of the men upon Mr. Caldwell’s representation as to their character there is no doubt whatever; and that it appears incomprehensible how any person, with Mr. Caldwell’s knowledge of the Chinese language and holding the appointment he did, could have been ignorant of the boats in which the men were seized, and that one at least of these men was a notorious pirate, particularly, as it is in evidence that Mah-chow Wong was connected with the boats.”

This finding contains the strongest reflection on my conduct in the whole report of the Commissioners, and yet the evidence given in support of the charge was not only weak and contradictory, but of the most worthless character. All that I had to do with the question was this : Mr. Grand-Pré, the Assistant Superintendent of Police, was directed to examine the suspected boats and to report upon their character, and I was desired by the Colonial Secretary to accompany Mr. Grand-Pré and assist him with my opinion on the subject. This I did. I examined the boats, their papers, armament, &c., and I found nothing in any of them to induce me to suppose that they were pirate boats. They had Registers under the official seal of the Kwun Mun Foo of Canton, their cargo-books shewed that they had been trading between Shan-tung and Hoi How, and their books with the list and wages of the crew shewed that they did not carry more men than other trading boats of their size. Pirate vessels always carry a larger number of men than trading vessels; but the armament of a trading junk and that of a pirate junk is, generally, pretty nearly equal, for the former find it necessary, for their own protection, to go about quite as heavily armed as their enemies.

There was not a syllable in the evidence brought before the Commission to shew that my opinion of the character of the two boats was not a correct one. An attempt was made by Mr. May to shew that a man named Po Pak Shing found on board of one of the boats was a “pirate

chief" and a "notorious pirate;" but he knew nothing of the man himself, and merely judged from hearsay—his informant being Ah-sow or Munsow, a Police Interpreter, a man of worthless character and since discharged from the service for corruption. This man says in his evidence "I know Po Pak Shing *from what I have heard* to be a notorious "pirate." This is all he says about him, and this is Mr. May's reason for believing Po Pak Shing to be a pirate, as far back, as he says, as July 1857. I certainly had never heard of the man until he was arrested with his crew on board of his boat on this particular occasion, which was at the instance of a Portuguese who, Mr. May says, "positively identified Po Pak Shing as a Pirate Chief, and the others as pirates" in an attack at Ningpo. But because a Portuguese chooses to swear to the identity of Po Pak Shing as being a Pirate Chief at a place 700 miles distant from Hongkong, and Mr. May's delinquent Interpreter makes the unsupported assertion that "he knew, from what he had heard, that Po Pak Shing was a notorious pirate," the Commissioners declare it to be "incomprehensible to them how any person with my knowledge of the Chinese language and holding the appointment I did, could have been ignorant of the *boats*" in which he was seized!

I still adhere to the opinion I originally expressed, that there was nothing in the appearance of the boats themselves—their equipment, or armament—the character of their papers, or the number of their crews, to indicate that they were pirate vessels, and there was no attempt to shew the contrary. It is rather too much for the Commissioners to assume that *because* I speak the Chinese language and *because* I hold the appointment of Registrar General, I must know every pirate (even though I may never have seen or heard of him) among the thousands that infest the China seas, and that I ought also to know every pirate boat, that though engaged in piracy at sea, may, nevertheless, when she comes into harbour, conceal the marks of her calling and have all the attributes and appearances of a peaceful trader!

Po Pak Shing's own account of himself as given at the Police office had all the appearance of truth in it. It was as follows: That he was at Ningpo for the purposes of trade at the time of the disgraceful fights between the Cantonese and Portuguese at that port. That his own vessel, in common with other trading junks then lying there, was pressed into the service of the Chinese government, by the Mandarins, for the purpose of resisting the attacks of the Portuguese lorchas, and that he thus took part with the Mandarins in that affair. After peace had been restored, his junk was released, and he resumed his trading operations. It is not at all unlikely that the Portuguese who made the charge of piracy was one of those "sanguinary harpies," described by Dr. McGowan

as being engaged in these Ningpo fights—nine tenths of whom he says were Portuguese—on which occasion he may have recognized the junk and possibly the person of Po Pak Shing, and hence his reason for calling him a “Pirate chief.”

Whether there was any connection between Mah-chow Wong and these boats I had no means of knowing, nor was it likely that I would have known it. The only evidence of any such connection is the statement made by one of Mr. May’s constables (De Silva, another Portuguese) who says that he saw Mah-chow Wong on board of one of the boats *as he was passing it*, which piece of evidence certainly looks as if it had been got up for the sole purpose of connecting Mah-chow Wong with the boats.

It was in reference to this charge that Mr. Anstey made the following statement to the Commissioners: “I think there were about five
“and twenty people whom I discharged on the occasion in question.
“I was sitting in my rota as Justice of the Peace according to the then
“recently gazetted arrangement. The Police brought them up and
“charged them with being notorious pirates. The deportation Ordinance was then in full vigour, and my thought was, to send them
“before His Excellency in executive council for deportation. *But Mr.*
“*Caldwell came before me and upon oath declared them to be peaceful*
“*traders and not pirates nor reputed pirates.*” Now here is a deliberate statement made by Mr. Anstey in support of his own charge against me of inducing him to order the discharge of a great number of men whom, he says, I ought to have known at the time were pirates. I never induced Mr. Anstey to discharge these men, and they were not in fact discharged, but held to bail by him. I never made oath before him in the case at all, nor did I declare before him that these men were peaceable traders and not pirates. It was Mr. Grand-Pré, the Assistant Superintendent of Police, who appeared before Mr. Anstey and made the statement on oath with reference to these men. It is true, that when Mr. Anstey found that this false statement of his against myself would not hold good, he, after the lapse of a whole week, and after “refreshing his memory,” as he calls it, wished to correct himself. But how does he do it? He has not the candour and honesty to state in a frank and straight-forward manner that he was mistaken (if it really was a mistake and not a deliberate mis-statement) that I really had nothing to do with his decision, and that it was on Mr. Grand-Pré’s evidence that he released the men and not mine; but he says, “Instead of saying that I discharged the prisoners, I ought to have said that I dismissed the charge and
“liberated them on bail—not heavy bail. I also find that *the oath on*
“*which Mr. Caldwell made the application was not his own oath but*

"that of his subordinate Mr. Grand-Pré." He is unwilling to state the plain and simple fact that it was Mr. Grand-Pré and not myself who appeared before him and made oath to the facts, for he would then convict himself of a falsehood. He is equally unwilling to exonerate me altogether from blame; so he still drags my name in, and in his own tortuous language, says, "the oath on which Mr. Caldwell made his application was not his own oath but that of Mr. Grand-Pré"! How could Mr. Grand-Pré's oath be my oath—or how could my oath be Mr. Grand-Pré's? Mr. Grand-Pré moreover, as Assistant Superintendent of Police, was, at that time, the subordinate of Mr. May, the Superintendent of Police, and not of myself as Registrar General and Protector of Chinese.

Another finding of the Commissioners, at which I have cause to feel aggrieved, is the following: "That with regard to charge 6—a long and intimate connection between Mr. Caldwell and Mah-chow Wong has been proved, but that there is no proof of affinity according to Chinese law and custom," and in another place—"notwithstanding these facts, coupled with the circumstance of Mr. Caldwell's connection with so notorious a character as Mah-chow Wong, &c."

Now what I have to complain of in the above finding is its ambiguity and want of precision with respect to the *nature* of the connection, which the Commissioners say, existed between myself and Wong Akee. I have already detailed the instances in which I have ever had transactions with Wong Akee, and there was no connection proved which I had not already admitted. I have made free use of him in obtaining information leading to the destruction of pirates at sea, and the punishment of delinquents in the Colony; and I have had pecuniary and mercantile transactions with him at a time when I was in no manner connected with the Government service, and when nothing was shewn against the man's character for honesty and probity. This was the whole extent of my connection with Wong Akee, and who can say that there was anything improper or blameable in it? An attempt was made to shew that there was, what Mr. Anstey calls, "a bond of affinity by adoption according to Chinese law" between Wong Akee and myself, the meaning of which I do not quite comprehend, but of which, the Commissioners say, there was no proof. It was in fact only another of Mr. Anstey's wild assertions. Even Mr. May, with all his animosity against myself, and his petty spite against the man, does not go the length of saying that I even admitted Wong Akee to terms of intimacy; for he states in his evidence: "I have seen Mah-chow Wong seven or eight times in Mr. Caldwell's house. I may instance on one occasion I saw him in a room used as an office in Mr. Caldwell's house in Gough Street. I went there early

“in 1857 about a case then under inquiry in connection with the
 “conspiracy to carry off Colonel Caine and Mr. Caldwell. Mah-
 “chow Wong was then seated in Mr. Caldwell’s office.* *I have*
 “*never seen him there in the position of a friend.* In the one case
 “already mentioned he was there I believe on business connected with
 “the prosecution, and on the other occasion he did *not* appear to be there
 “as a friend.” This is the evidence of Mr. May. If there was anything
 blameable or improper in the connection alluded to by the Commissioners
 in their finding, it was their duty to have stated it. If there was not, it
 was equally their duty to have said so, and not leave the question in the
 ambiguous and doubtful state in which it now stands on their finding;
 unjust to the Government if, in their opinion, the connection was a cul-
 pable one—still more unjust to myself, if they believed it to be an inno-
 cent one.

I have also another instance of unfairness to myself on the part of the
 Commissioners to complain of.

In the revised printed copy of the evidence published by the Commis-
 sioners, they have omitted the following passage from the evidence of Dr.
 Bridges, the Acting Colonial Secretary :

“Upon reference to a memo. I am enabled to state that my charge to the Governor
 against Mr. May was, that the Superintendent of Police, being a married man, had
 been keeping a mistress within one door of a Brothel kept open in violation of the
 Ordinance restricting such houses to a certain locality. The fact of the existence of
 the Brothel being notorious to the neighbourhood, and no attempt having been made
 on the part of the Superintendent of Police to put it down.

“Secondly. That the Superintendent of Police had given tacit opposition to the
 Brothel Ordinance from the commencement, and in this specific instance, positive en-
 couragement to offenders. That the whole Police force would necessarily follow the
 lead of their chief, and it would be impossible to carry out the Ordinance, with the
 Police force in opposition to it. The matter was taken out of my hands, and there is
 nothing in these documents to inform me whether the whole of these charges were
 referred to the Chief Magistrate to inquire into, or whether they were sent to Mr. May.
 The reprimand in His Excellency’s words, conveyed by me to Mr. May, was made on
 the special matter reported to him, as well as on the general charge of not rendering
 assistance in carrying out the Ordinance.

The Commissioners have also omitted from the evidence of Mr. May’s
 own servant, Yoong Ayoong, the following passage :

“I went with my mistress and two children dressed in English clothes to East
 street in Tai-ping-shan. I do not know my mistress’ name, nor whether she is a
 Chinese. She has been dressed in English clothes ever since I have been in the
 service. My mistress does not live in the same house as my master. She lives in
 a house behind the chapel in Hollywood Road. By my mistress I mean my
 master’s wife.”

Wong Akee was there upon the same errand which brought Mr. May.

At the time that the evidence was given, Mr. May made application to the Commissioners to have these two portions of it expunged. The Commissioners replied that they would do so provided that I had no objections. I stated that I most decidedly objected to any portion of them being left out of the minutes; it was decided that they should remain, and they were accordingly printed with the day's proceedings; but in their corrected printed copy of the evidence published by the Commissioners these portions are omitted.

As much care was taken to publish every thing which occurred on the inquiry tending to injure the character of my wife and myself, most of which was brought forward by Mr. May—whose moral character would thus appear to be established—I can only look upon the omission of the passage affecting him, to be an unjustifiable attempt to screen him from the odium his real character so richly deserves.

From the time that Mr. Anstey first commenced his system of vilifying me, to that of his leaving the Colony, he systematically opposed every public act of mine—every measure which he believed to emanate from myself. His attempts to injure me were many and various. Some idea may be formed of his vexatious proceedings from the circumstances detailed in the following case.

By Ordinance No. 8 of 1858 no public meeting is permitted to be held by Chinese in the Colony except by permission of the Governor. On the 10th of December of that year I received information from the Teepo* of the Lower Bazaar that all the Pork-butchers of the Colony were about to form themselves into a society for some purpose which he had not been able to ascertain, and that they intended to hold a meeting that afternoon at a large public eating-house in the Bazaar, when the rules of the association were to be read and discussed. A large feast had been prepared for the occasion, and all who partook of it would be considered as thereby consenting to become members of the society. Knowing that no permission had been granted by the Governor for holding this meeting, and suspecting that it was for some unlawful purpose, I informed Mr. May, the Superintendent of Police, of the matter, and in the first instance, left him to deal with it. Upon further consultation with him, however, I consented to go to the place of meeting myself and give my assistance in endeavouring to discover the object of the proposed society. The Police received their instructions from their Superintendent, and acted upon them. I also went to the house but not in company with the Police. We found about 40 men assembled, and we found also a paper containing the rules of the association, the object of which was,

* A head Chinese district officer, elected by the people and appointed by the Governor.

by concert and combination, to form a league for the purpose of raising and keeping up the price of pork in the Colony. Those who appeared to be the principal persons were taken to the Station, where a charge for breach of the 22nd section of the Ordinance was preferred against them, as well as a charge for unlawful combination. The next morning the Defendants were brought before the Assistant Magistrate, Mr. Mitchell, and my evidence was taken. The Magistrate considered the case to be one of so grave a nature that he declared he would not deal with it summarily, but would refer it to the Supreme Court. He expressed his satisfaction that I had been the means of bringing to light one of those mischievous combinations so common among the Chinese, and tending, as in this case, to cause hardship to the people by enhancing the price of provisions.

The case was accordingly deferred, and a day or two afterwards I was informed that I must be prepared to satisfy the Magistrate that the meeting was a public one, and that it was held for the purposes of combination; both of which I was quite prepared to do. I heard nothing more about the case, however, until the 17th, when I received a note from the usher of the Chief Magistrate's (Mr. Davies) Court requesting my attendance. On reaching the Court I was informed by Mr. Davies, to my surprise, that Mr. Anstey had been there on behalf of the pork-butchers, and that he, Mr. Davies, had discharged them! That Mr. Anstey had applied for his costs against me, which he had refused to grant; that Mr. Anstey had also applied to have me *fined* for a malicious arrest, which also he had refused, and that Mr. Anstey had then threatened to take the matter into the Supreme Court.

Comment here is unnecessary. The magic of Mr. Anstey's presence and the fact of the case being one in which *I* had taken a prominent part, were sufficient to overrule the strong opinion formed of the case by Mr. Mitchell, the Assistant Magistrate, and to dispense with the necessity of any further proof.

The case however did not end here. Mr. Anstey had not succeeded in his attempts to get me mulct although he had got the offending pork-butchers discharged. Three days afterwards I was served with two writs of Summons at the suits of two of the butchers, each for the sum of a thousand dollars damages for arrest and false imprisonment. This would have been legitimate enough had it been done in the regular way; but no person could have been more astonished than were the two butchers themselves when they afterwards heard that summonses had been issued against me in their names to recover damages for the alleged malicious arrest. They declared that they never gave any instructions or authority for any such proceeding—that they never had any intention

of doing so, and that they knew nothing whatever about it. They could only account for these proceedings by the following circumstance. They stated that on the day after they had been discharged by the Chief Magistrate, Mr. Tarrant (the Editor of the *Friend of China* newspaper) came to their house with his servant and asked them if they were two of the pork-butchers that had been apprehended by Mr. Caldwell. On their replying in the affirmative Mr. Tarrant told them they must go with him. They did so. Mr. Tarrant took them to the house of Mr. Anstey, and after some conversation between these two gentlemen, they were taken by Mr. Tarrant to the office of a Solicitor, who asked them their names and also if they had been apprehended by Mr. Caldwell, and they were then told to go away. They further stated that nothing was mentioned to them, either by Mr. Anstey or any one else, about issuing summonses against me, that they paid no money to the Solicitor, nor were they asked to do so, nor did they sign any paper. This is what these men voluntarily told me, which they said they were ready to verify, and there were others who heard their statement. It also receives singular confirmation from the following letter which had been picked up by a friend—found open, and handed to me. *It was in the handwriting of Mr. Tarrant and addressed to Mr. Anstey.* I put it into the hands of two gentlemen thoroughly conversant with Mr. Tarrant's handwriting—a certified copy of it was made, and I sent the original to Mr. Tarrant with my compliments :

2 STAUNTON STREET, 29/12/58.

DEAR SIR,—In the Pork Butchers case hearing from* ——— last night that Caldwell was going to prove that the Chinese Plaintiffs had never instructed an action for pecuniary damages, and, as it would follow, *had never requested any further action than their release*, I sent for the man, Chun Assoo, who acted as spokesman between myself and the Plaintiffs, and he has told me that Caldwell has called on them, and they have assured him, Chinese-like, they did not want to trouble him—*what is being done is not their doing, &c.*

I send this letter by Chun Assoo himself that you may hear this from his own lips. I think under the circumstances, it will be best to let Mr. Caldwell fall between the stools, *i.e. let the action drop on the presumption* which the public cannot but arrive at, that the terror we are trying to subdue has been too much in the present case. The public on learning the fact of his having called on the man, *which I will duly report to-night*, will form their own opinions and be disposed to aid in stopping his fun just as warmly as if the case went to trial. Prior to seeing Mr. ——— I went to see Mr. ———, but he was out.

I had written the article in the *Overland edition* of my paper for to-morrow, of which I enclose proof.—I am, dear Sir, yours faithfully,

W. TARRANT.

P.S.—I have been thinking of a memorial to the Executive Council to be signed by the oppressed Pork Butchers, or some of them *of whom I could make sure*. Properly pleaded it should effect what is necessary.

* I omit the name of the gentleman here referred to. The italics are my own.

This letter admits us into the *penetralia* of the connection which appears to have existed between Messrs. Anstey and Tarrant. Proofs of articles intended to appear in that low and scurrilous paper are first submitted for Mr. Anstey's approval, and we now know where to trace the origin of those libellous attacks which of late so frequently appeared in that paper against myself and others.

I need scarcely add that there was an end of this particular attempt to injure me, though the astonished and deceived butchers were called upon to pay the costs of the two cases, which they had not the means of doing, and, to avoid incarceration, were compelled to leave the Colony.

I impute no blame to the solicitor engaged, who, I verily believe, took his instructions from Mr. Tarrant in the full belief that he represented the wishes of the two butchers; but it was a case of cruel hardship to these poor men, who were compelled to leave their homes and give up their sources of livelihood to avoid the consequences of the law suits into which they had been inveigled by Mr. Tarrant and Mr. Anstey, to say nothing of the gross conspiracy which the letter of Mr. Tarrant so clearly reveals had been entered into by these two persons to injure myself.

Both Mr. Anstey and Mr. May have stated that I was detested by the Chinese of the Colony on account of the "terror," which they allege, I exercised over them, and that it was in consequence of this terror that the Chinese shewed a reluctance to appear and give evidence against me at the inquiry. As to this last allegation I find, on looking over the minutes of the evidence taken by the Commissioners, that out of 69 witnesses examined, no less than 32 were *Chinese*; the whole of whom, with the exception of 4, were brought forward by Messrs. May and Anstey or called by the Commissioners; and although it is true that (save the immediate retainers of Mr. May) they said little or nothing to my prejudice, it at least shews that there was no disinclination on the part of the Chinese to come forward if they really had anything to say against me. But the following circumstance will shew what little truth there was in the above statement; and with it I shall close my replies to Mr. Anstey's accusations.

In the month of February 1859 I was temporarily absent from the Colony on special duty, and it was rumoured amongst the Chinese that I was to be removed from the Colonial service. When I returned I found that a Petition had been presented by the Chinese to His Excellency the Governor of which I give a translation:

"The Petition of the [Chinese] Merchants and Teepos of the whole of Hongkong, to His Excellency the Governor, praying His Excellency's clear consideration and skilful disposal of the matter [mentioned therein.]

“ During the years which we have peacefully passed under Your Excellency’s rule, we have not failed to be deeply sensible of the benefits derived from those who have governed us well—and whilst fearing their dignity we have felt grateful to them. For instance, the late Chief Magistrate Mr. Hillier, and since him, Mr. Caldwell the Protector of Chinese, both were thoroughly versed in Chinese affairs, and though firm were yet merciful and kind, and the consequence is that traders and people from all quarters have congregated in this place.

“ Mr. Caldwell still holds the office of Protector of Chinese and his doing so is the consummation of our wishes and a great blessing. But we have lately seen it rumoured in the newspapers that he is about to resign with the intention of returning home. We cannot but feel deeply concerned at this, and hasten to write in beseeching Your Excellency to be pleased to detain him in office in order that our security may be continued [the attainment of which desire] will cause the people to say in their gladness that they have two heavens over them, and the whole place to be grateful for Your Excellency’s favor.

Signed by 918 Merchants, Shopkeepers, and Teepos.

February, 1859.

The 918 merchants and shop-keepers who signed this Petition were the most respectable and influential men in the Colony; and I believe that a Petition more numerous and more respectably signed was never before presented to the Government on any occasion whatsoever. It was a spontaneous act on the part of this large and influential body of men, done during my absence, and beyond all doubt dictated by a feeling of disquietude and regret at the apprehended removal of a public officer whose duties brought him into such intimate relations with themselves, and in whose public conduct they felt confidence and security. I print it here not only as a refutation of the statement that I was held in detestation and dread by the Chinese, but as a proof of the utility and appreciation of the office of Protector of Chinese, as it is at present exercised, by the class of persons for whose benefit it was especially created, notwithstanding Mr. Anstey’s attempts to decry it.

In judging of the credibility of evidence it is usual to take into consideration the character of the witness. That is indeed the surest test of its value. The damaging notoriety which Mr. Anstey has established for himself fortunately relieves me of the necessity of saying any thing further in proof of his utter untrustworthiness than I have already done in the preceding pages; but Mr. May’s claims to public discredit may not be so well known. Not wishing to expose myself to the charge of recrimination, I shall say nothing of his antecedents, but confine myself to the relation of a single instance of his perfidy to myself, which I think will suffice to shew the character of the man.

Until a short time previous to the commencement of Mr. Anstey’s crusade against me, I had always regarded Mr. May as one of my truest and most-to-be-trusted friends. My house was open to him at all hours

—a seat at my table was always at his disposal, and he freely availed himself of my hospitality. Our relations indeed were upon the most friendly and confidential footing, and they were further strengthened by the circumstance of our being in the same department of the service. I never dreamt of placing check or restraint on my almost daily intercourse and conversation with one whose professions led me to believe to be sincerely interested in my welfare. I little thought that under the mask of friendship this man was insinuating himself into my confidence—worming out my thoughts—making himself master of my actions—noting every remark which fell unthinkingly from my lips and treasuring all this up for the purpose of some day using them in order to crush and ruin the man who had been blind enough to trust in his professions of friendship.

That this picture, repulsive as it is, is not overdrawn, let any one who doubts it read Mr. May's evidence against me given before the Commission of Inquiry. Does he conceal any thing—no matter how the information may have been acquired, or how vague the nature of it—which he thinks may tend to my prejudice? He does not altogether deny that he was on friendly relations with me, but he qualifies it in such terms as “he *may* have been some half a dozen times at my house—he *may* have done this or he *may* have done that.” It would not have done for him to have admitted the full extent of this intimacy, for he would then have stood convicted, on his own admission, of his subsequent treachery; but there are many of my friends still in the Colony who have had ample opportunities of witnessing at my house the frequency of Mr. May's presence there and the unrestrained nature of my intercourse with him, who were not a little amazed, and shocked too, when they read the extraordinary evidence he gave before the commission in reference to it.

One of the charges brought against me by Mr. Anstey was: “With having informed Mr. May that although he, Mr. Caldwell, would not himself take bribes he would not object to his wife doing so.”

Mr. May himself came forward to support this charge and he related the following incident in proof of it:

“Upon another occasion, I should fancy three or four years ago, Mr. Caldwell mentioned to me that if he did not receive presents with his own hands he should not object to his wife receiving them.”

Let us examine what foundation Mr. May had for making such an assertion.

In 1854 an American gentleman of the name of Perkins was most barbarously murdered and robbed by Chinese on his way from Hongkong to Macao in a boat in which he had taken his passage. The event caused great excitement and indignation in the Colony, and I used very great

exertions to discover the murderers. After much labour and anxiety, I succeeded in tracing them, and had two of them apprehended. They were tried, convicted, and one of them was executed. The United States Vice Consul of Canton on behalf of the relatives and friends of the murdered gentleman, in gratitude for the exertions I had made in discovering the murderers, wished to present me with a testimonial, (value £100) but the local government refused permission to my receiving it without a previous representation home. I naturally thought this a hardship, and while chatting in a friendly way with Mr. May *in my own house*, my wife and some others being present, I said, "It is a great shame: the next time I shall ask them to give it to my wife." This was all that took place, and these trifling words, treasured up for years by the "conscientious and zealous Mr. May," as Mr. Anstey calls him, are reproduced as indicating a willingness on my part to consent to my wife taking bribes, and formed into a charge against me! The finding of the Commissioners was: "That there were no grounds whatever for bringing the charge."

I have now replied to the principal accusations Mr. Anstey has made against me. I have shewn, I trust, their utter falsity as well as their malignity. I have shewn his wilful perversions of fact, and his base and unscrupulous inventions. I have also shewn something (but only a little in comparison with what I might have done) of the morals of the man, whose pretensions to virtue were such, that he declared he could not possibly allow his name to remain in the Commission of the Peace, whilst I retained a seat on the Magisterial Bench! I have shewn also the untrustworthiness and perfidy of his accomplice and chief witness Mr. May—his envy and jealousy—his coveting of the offices I hold, and his direct interest in getting me removed from the service. A more detestable conspiracy on the part of two public officers to disgrace and ruin a brother officer I do believe was never before perpetrated; and I leave their conduct to the just reprehension of all right thinking persons. One of my accusers has since been removed from the public service, and it would be no more than just if a similar retribution were visited upon the other.

In conclusion I venture to append to this paper, in further refutation of the scandalous accusation of my having been connected with pirates and participated in the profits derived from piratical expeditions, the testimony borne to the exertions I have for many years made in the suppression of piracy in the China Seas, by the officers of Her Majesty's Navy.

I place first on record two despatches of Rear-Admiral Sir Michael Seymour, G.C.B., whose distinguished character, great sagacity, and

unusual acquaintance with the subject of piracy and every thing connected with the maritime affairs of the Chinese, entitle his opinions to the very highest respect; and whose unsolicited testimony in favor of myself and on the wide spread existence of Chinese piracy, I look upon as sufficient to cast into utter insignificance and contempt the ravings of a displaced Attorney General—a discomfited prosecutor and a discontented monomaniac.

D. R. CALDWELL.

"Calcutta," at HONGKONG, 28th March, 1857.

SIR,—I have the honor to bring to Your Excellency's notice the valuable services rendered to this Colony by Mr. Caldwell, Registrar General, on several occasions when lent to Her Majesty's ships to act as Interpreter in pursuit of piratical craft near Hongkong.

On these expeditions Mr. Caldwell from his intimate knowledge of the Chinese language and customs, has enabled the Commanders of Her Majesty's ships to distinguish between the innocent and the guilty, a question of great difficulty without such assistance, and his presence has mainly contributed to success.

The service of capturing Pirates is not without danger, and as Mr. Caldwell invariably shares the risk without the hopes of promotion or honors which actuate Her Majesty's officers, I am induced to bring the subject to Your Excellency's notice in the hope of this gentleman obtaining some reward for his services, as well as a promise of provision for his family should any casualty unfortunately occur on any subsequent occasion.

On referring to the records of this station I find that Mr. Caldwell's intelligence and gallantry have been frequently commented upon by my predecessors.

I have, &c.,

M. SEYMOUR,

Rear Admiral and Commander-in-Chief.

His Excellency

SIR JOHN BOWRING, LL.D.,

&c., &c., &c.

"Calcutta," HONGKONG, 17th March, 1859.

SIR,—Having received information that a number of pirate vessels had assembled near their old haunt at Coolan, I dispatched Her Majesty's ship *Niger* and gun-boats *Janus* and *Clown* on the 11th instant in search of them accompanied by M. Caldwell, Registrar General, who, as usual, kindly volunteered his services.

The squadron returned last night and I do myself the honor of forwarding to Your Excellency acting Captain Coville's report of his proceedings, which will shew the essential service rendered to the community at large, and the gallant manner in which Captain Coville and the Officers and Men engaged have succeeded in destroying a formidable force of pirates.

I beg to draw Your Excellency's notice to the good service rendered by Mr. Caldwell—an additional claim to the many already possessed by that zealous officer. As this is the last opportunity I shall have of addressing Your Excellency on the subject of Piracy, I beg Your Ex-

cellency will express to Mr. Caldwell my high sense of the important services rendered by him on the numerous occasions he has volunteered to accompany Her Majesty's ships on expeditions against pirates, in which he has volunteered to share all the danger without the inducements which animate Naval officers to distinguish themselves.

I have, &c.,

M. SEYMOUR,

Rear Admiral and Commander-in-Chief.

His Excellency

SIR JOHN BOWRING, LL.D.,

&c., &c., &c.

COLONIAL SECRETARY'S OFFICE,

Victoria, Hongkong, 17th January, 1859.

SIR,—I have the honor to inform you that a despatch has been received from the Right Honourable the Secretary of State acknowledging report of the destruction of certain piratical vessels to the westward of this place by Captain Vansittart in the end of August and beginning of September last.

In referring to this expedition Sir Edward Lytton expresses himself glad to observe that in reporting this gallant achievement all parties agree in taking favorable notice of the assistance rendered by yourself who were present on the occasion.

Sir Edward Lytton also directs that you be informed that he has perceived with much satisfaction the testimony borne by the Admiral and by the Naval officers in immediate charge of the expedition to your zeal and efficiency and to the value of your services.

I have, &c.,

W. T. MERCER,

Colonial Secretary.

To

D. R. CALDWELL, Esq.,

Registrar General.

Her Majesty's Ship "Columbine,"

HONGKONG, 1st November, 1849.

SIR,—On returning from the destruction of Shap 'Ng Tzai's squadron, it becomes my duty to express publicly to Your Excellency the high sense I entertain of the services rendered by Mr. Daniel Richard Caldwell Sub-Superintendent of Police, who was sent by Your Excellency to accompany me on this service.

On this occasion as well as on a former one when Chui-a-poo's squadron was destroyed, I have found him most truthful and correct in his intelligence, and with a judgment hardly capable of being deceived. His intimate knowledge of the local dialect has also much assisted me, and I do not think without his services I could have succeeded.

I have, &c.,

JOHN C. DALRYMPLE HAY,

Commander.

To His Excellency

SAMUEL GEORGE BONHAM, Esq., C. B.

&c., &c., &c.

Extract of a letter from Captain LOCKYER of Her Majesty's ship *Medea* reporting the destruction of a piratical squadron of thirteen Junks (one of 300 tons mounting 18 guns, and 3 of 250 tons, each mounting 10 guns) manned by about 900 men, at Mir's Bay, dated 5th March, 1850 :

" I think it my duty to express my entire satisfaction with the conduct of the Officers, Seamen, and Marines employed upon this occasion ;
" the precision of their fire, great steadiness and prompt obedience, tending greatly to the expeditious termination of this successful operation.
" Commander Wainwright, a supernumerary on board, volunteered his services and rendered me great assistance.

" I cannot conclude without also expressing my great obligations to Mr. Caldwell for the valuable assistance which he rendered. To his perfect knowledge of the Chinese language and his acquaintance with the habits of the pirates the success of this enterprise is in a great measure due."

Extract of a letter from Commodore the Hon. KEITH STEWART of Her Majesty's ship *Nankin* to His Excellency Sir John Bowring, LL.D., reporting the successful results of three expeditions against pirates, dated 17th August, 1856 :

" In conclusion I beg to draw Your Excellency's attention to the invaluable services of Mr. Caldwell on these expeditions. He accompanied me, and had he not been with me when the Chinese attempted to stop my proceeding up the river after the *Lorcha*, serious results might have ensued."

H. M. SHIP "*Magicienne*," OFF LINGTING ISLAND,
4th September, 1858.

SIR,—I have the honor to inform you, that in obedience to your orders for me to take under my directions H. M. ships *Inflexible*, *Plover* and *Algerine* and proceed with them to destroy and capture the many dirates represented as being in this neighbourhood, that I left the anchorage of Hongkong with the said vessels and H. M. ship under my command on the morning of the 26th ultimo, as soon as Mr. Caldwell, the Registrar General, and three Chinese informers had come on board.

From Hongkong we proceeded to and examined carefully the whole coast as far westward as Mamee, having up to the present date taken and destroyed 1 fortified stockade mounting 14 guns, 26 piratical fighting Junks, 74 fast row-boats, 236 guns, about 372 Pirates killed, 36 pirates taken alive, 6 cargo vessels recaptured from pirates, 54 men and 6 women retaken from pirates; with only a few wounded on our side.

I enclose herewith a detailed account of each day's proceedings, with a list of the captures, people rescued, casualties, officers employed in boats, &c. I cannot say too much for the valuable assistance I have received from Mr. Caldwell, the Registrar General, who was most indefatigable in his exertions, gaining much valuable information from the prisoners rescued, and by other means; thereby being in a great measure the cause of our success, and shewed much judgment in discriminating the innocent from the guilty of those captured on board the Junks, besides being a valuable acquisition from his intimate knowledge of the Chinese language.

I have despatched the *Algerine* into Hongkong with Mr. Caldwell, the three Chinese informers, and the remainder of the persons rescued from the Pirates not yet disposed of. Upon the *Algerine's* return with Mr. Caldwell, I propose searching well the bays in the vicinity of Hongkong to the eastward, as we have every reason to believe that there is still one fleet of Junks undiscovered.

The energy of Mr. Caldwell in finding out and gaining information as to where the Pirates are, does him the very greatest credit.

Trusting you will approve of my proceedings since leaving Hongkong on the 26th ultimo,

I have, &c.,

NICHOLAS VANSITTART,
Captain.

Rear Admiral

SIR M. SEYMOUR, K.C.B.,

Commander-in-Chief.

&c., &c., &c.

" *Calcutta* " at HONGKONG, 10th September, 1858.

SIR,—Information having reached me on the evening of the 22nd ultimo, that a fleet of 20 pirate vessels had captured a Junk bound to Hongkong in the neighbourhood of this island, I despatched Her Majesty's steam gun vessel *Surprise* on the following morning in search of them. She returned the same evening having succeeded in destroying or capturing 26 heavily armed Junks at the island of Lingting mounting over 300 guns. I enclose Commander Cresswell's report of his proceedings, dated 24th of August and beg to draw their Lordships' favorable notice to the gallant manner in which the Commander, Officers, and Crew of the *Surprise* engaged and overcame so superior a force.

2. It being reported that the pirates destroyed by the *Surprise* formed a division of a large fleet to the southward, which has harassed the coasting trade for some time, I ordered the *Magicienne*, *Inflexible*, *Plover*, and *Algerine*, under the orders of Captain Nicholas Vansittart, C.B., to scour the coast in that direction. By that officer's report, herewith enclosed, dated the 4th instant, their Lordships will perceive that the expedition was attended with the most complete success, no less than 100 piratical vessels having been destroyed and 236 guns sunk in deep water with heavy loss to those desperate miscreants. The town of Coolan, the head-quarters of the pirates, was also destroyed, as well as a stockaded fort of 14 guns. The conduct of the Officers and Men of the squadron is deserving of the highest praise.

3. On Captain Vansittart's return I ordered him to cruise to the northward of Hongkong; but though he visited all the usual haunts of the pirates the people stated that they had not been troubled for some time past.

4. These important successes have afforded much satisfaction to the Chinese traders. Captain Vansittart justly gives credit to Mr. Caldwell, Registrar General, who accompanied the expedition, for obtaining information. This gentleman's name must be familiar to their Lordships from his numerous services against pirates.

I have, &c.,

M. SEYMOUR,

Rear Admiral and Commander-in-Chief.

The Secretary of the Admiralty,
London.

Extract of a letter from Captain CHARLES LECKIE, of Her Majesty's ship *Fury*, dated 9th December, 1858, reporting the destruction of a piratical blockading squadron in the vicinity of Macao.

“ Thus the whole of the pirate fleet that blockaded the Passage boats
 “ in Macao are destroyed, viz., Twelve vessels; and I am happy to re-
 “ port that this service has been performed without a casualty on our
 “ side, although it is wonderful that no one was hit by the discharge of
 “ grape we were received with.

“ Mr. Caldwell accompanied me throughout all these proceedings and
 “ I am much indebted to him for his advice; his knowledge of the Chi-
 “ nese language being also of the greatest assistance.

“ I have six Chinese men and one woman, released from the pirates,
 “ on board and will arrange about their landing.

“ At the lowest estimation these junks contained about 550 men, and
 “ carried from 8 to 12 guns each, in all 128 guns many of them of
 “ heavy calibre. Several of the pirates were killed, but their number is
 “ not known.”

Extracts of a letter from *Commander GEORGE COLVILLE of Her Ma-
 jesty's ship *Niger*, dated 16th March, 1859, reporting the destruction of
 a large fleet of pirate junks, the burning of a noted piratical haunt at
 Tsoo-choong and the rescue of several captured trading vessels.

“ Acting on information received at Macao, the whole of the 12th
 “ instant was spent in searching for a fleet of piratical vessels cruising in
 “ the vicinity of the Tang rocks, but failing to discover them, I weighed
 “ towards evening and anchored late off Kulan with the intention of
 “ visiting Tsoo-choong, under whose batteries a formidable fleet of piratical
 “ junks were known to be lying—the depredators of several valuable
 “ cargoes. An owner and master of the two of the captured junks acting as
 “ pilots under the able and effective assistance of Mr. Caldwell, Registrar
 “ General.” * * * * *

“ In bringing before you the important results achieved by the zeal
 “ and gallantry of the officers of the boats and their crews, I beg to
 “ record the great assistance derived from the gun-boats; to Lieutenants
 “ Lee and Knevitt and the Second-Masters Messrs. Gilpin and Worsfold,
 “ so unceasing in their attention, every praise is due. Yet to Mr. Cald-
 “ well the success attending this expedition is mainly owing; without
 “ his experience and adept method of gaining information, I fear our
 “ endeavours would have been futile.*

* If it were necessary to multiply the instances in which my services have been noticed, it
 could be easily done from the public despatches of other officers of Her Majesty's Navy with
 whom I have been associated in expeditions against pirates.

HONGKONG:

MINUTES OF INQUIRY

INTO

110366_{ac}

CIVIL SERVICE ABUSES

BEFORE



Bx-i-16

THE EXECUTIVE COUNCIL.

ADM
352.24075125
Hos / min
110366

1860-61.

Bx-i-16

MINUTES OF PROCEEDINGS

OF THE

EXECUTIVE COUNCIL OF HONGKONG.

1st Sitting.

MONDAY, 13TH AUGUST, 1860.

PRESENT:

His Excellency The GOVERNOR.

The Hon'ble The ACTING CHIEF JUSTICE.

The Hon'ble The COLONIAL SECRETARY.

The Hon'ble The COMMANDANT OF THE GARRISON.

The Council met to-day by Special Summons, and sat with open doors.

Read *Gazette* Notification of 28th ultimo, showing the purpose for which the Council (No. 1 in Appendix) were assembled.

Read Letter, of 9th September, 1859, from Dr. Bridges, asking for full inquiry into (No. 2 in Appendix) his conduct, and tendering himself as a witness.

Read Letter from Mr. Caldwell, dated the 10th instant, requesting that accusing persons (No. 3 in Appendix) may be called upon to support their charges.

The Governor enquired whether any one present had any information to bring before the Council; whereupon Mr. Y. J. Murrow, Editor of the *Daily Press*, who was in attendance, stated that, after reading the Blue Book, he wished to have the Instructions read under which the present Inquiry was held.

Read Despatch from His Grace the Duke of Newcastle, directing the Inquiry.

Mr. Murrow wished to know if it would be competent for him to bring before the Council evidence to prove that, in the Papers laid before Parliament, Sir John Bowring had, by suppression and misrepresentation, misled Her Majesty's Government.

The Governor stated that the Council could not entertain charges against Sir John Bowring; but if Mr. Murrow was in a condition to prove that any of the statements contained in the Blue Book, and which related to the subject matter of the present Inquiry, were incorrect, he would be allowed to do so,—it being the intention of the Council to regard the Blue Book as evidence on the matters therein.

Mr. Murrow further stated that, as he wished to bring charges against Dr. Bridges, he thought that the Hon'ble Mr. Mercer, considering his connection with Dr. Bridges, ought to retire from the Inquiry.

The Governor decided, that it would not be competent for the Council to enter into direct charges against Dr. Bridges; but if any such charges should arise incidentally during the Inquiry, they might then be investigated. With regard to the selection of the Executive Council as the Court of Inquiry, that was a conclusion at which he had arrived after full consideration, and he saw no reason to alter the determination come to.

Mr. Murrow asked for a short postponement, to allow him the opportunity of putting his charges into writing, and arranging the evidence by which he proposed to support them.

The Governor inquired whether any person present was prepared to offer any information to the Council.

No reply being made, the Room was cleared, and the Minutes of the last Council were read and approved.

The following Papers, which had been inadvertently omitted at the opening of the Inquiry, were then communicated to the Council; namely:—

9th September, 1859.
No. 4 in Appendix.)
11th August, 1860.
Nos. 5 & 6 in Appen-
dix.)
Nos. 7 & 8 in Appen-
dix.)

Reply to Dr. Bridges' Letter of 9th September, 1859.

Reply to Mr. Caldwell's Letter of 10th Instant, and his rejoinder to it.

Letter from Mr. Tarrant, dated 11th Instant, applying for Documents, and the Reply thereto.

The Council adjourned until to-morrow, at 12 o'clock.

2nd Sitting.

TUESDAY, 14TH AUGUST, 1860.

The Executive Council met to-day at noon.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of yesterday's Proceedings were read, and confirmed.

No. 9 in Appendix.)

No. 10 in Appendix.)

No. 11 in Appendix.)

Read Letter addressed to Dr. Bridges after yesterday's Meeting by order of His Excellency, with Dr. Bridges' reply thereto of this date.

Mr. Y. J. Murrow handed in written Memoranda of charges chiefly having reference to his statement that Sir John Bowring had mis-represented or suppressed certain facts, and had made assertions which were untrue.

Room cleared, and Council deliberated.

Parties were called in, and His Excellency informed Mr. Murrow that Paragraph 1 was inadmissible as containing merely charges against Sir John Bowring and Dr. Bridges which were not relevant to the present Inquiry; and that the objection as to Mr. Mercer's presence on the Inquiry was decided yesterday.

Para: 2 might be inquired into.

Para: 3 was inadmissible.

Para: 4, first part not admissible, being merely an expression of opinion; but latter part admissible as being alleged facts, capable of proof.

Para: 5 not admissible, except so far as it directs attention to the existence of certain unpublished Appendices to the Caldwell Commission which may be called for.

Para: 6 admissible so far as relates to the character of Tong-Akii, on proof being given of his connection with the present Inquiry.

Para: 7 was not admissible, being simply another charge of untruthfulness against Sir John Bowring, having no relation to the present Inquiry—and merely a conclusion arrived at by Mr. Murrow on the Papers in the Blue Book, which the Council must form for themselves.

Para: 8 admissible.

Para: 9 inadmissible, as being immaterial.

Para: 10 inadmissible, having relation only to Mr. Anstey and Mr. Bevan.

Para: 11 inadmissible as to Mr. May's general conduct which is not impugned, —and also as regards Mr. Day, whose conduct is not called in question;—but admissible so far as relates to the specific charge against Mr. May, that he did not on a particular occasion give to the Government the assistance which he ought to have rendered,—and the production of any Letters which have been suppressed.

Mr. Murrow then applied that the following Papers might be laid before the Council:—The Beaver Papers referred to in Paragraph 2; the unpublished Appendices from A to S referred to in Para: 5; the Police Depositions in the case of Tong-Akii, referred to in Para: 6; and the suppressed Letters of Mr. May, referred to in the second part of Para: 11.

The Council decided that these Papers should be produced, and that they might be perused by Mr. Murrow.

Mr. Murrow stated that at the next Meeting of the Council he would be prepared to prefer charges against Mr. Caldwell; and meanwhile, he postponed the charges against him, contained in Paragraphs 4, 6, and 8 of the Paper already handed in.

So much of Mr. Murrow's statement as referred to Mr. May was handed to that gentleman, who was in attendance, for his perusal.

Mr. May begged leave to make some observations as to his own case, and commenced a detailed account of the transactions connected with the Ma-chow Wong case; but having stated that he wished to refer to several Letters, some of which had not been published, he was requested to furnish the Clerk of Councils with a Memo: of all the Papers to which he intended to refer, and informed that when these documents were before the Council, they would then hear whatever explanation he might wish to offer.

The Governor inquired of Mr. May whether he had any charges to make against Mr. Caldwell.

Mr. May said, that he had no charges to make against Mr. Caldwell;—that he would answer any questions which might be put to him; but had no desire to appear as a prosecutor.

His Excellency informed Mr. May that in the opinion of the Council he ought to support or withdraw any charges he may have made against Mr. Caldwell.

His Excellency requested Mr. Caldwell, with reference to his Letter of yesterday's date, to make out and send in a list of the charges which had been brought against him by Mr. May, showing the dates and occasions on which each had been advanced.

The Council adjourned till Thursday, the 16th Instant, at noon.

3rd Sitting.

THURSDAY, 16TH AUGUST, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Read Letter from Revd. J. C. Beecher requesting that his name might be expunged from a letter written by Mr. Caldwell, and read at a previous Meeting wherein he—Mr. Beecher—was referred to as the Editor of the *Hongkong Register*. (No. 12 in Appendix)

Council decided that Mr. Beecher's request could not be complied with, but that his letter might be placed on the Minutes.

Read Letter from Mr. Caldwell specifying charges made against him by Mr. May. (No. 13 in Appendix)

Letter returned to Mr. Caldwell for amendment by insertion of dates and occasions on which such charges had been preferred by Mr. May.

Read Letter from Mr. May giving the numbers and dates of the letters which he wished to be laid before and perused by the Council before making his explanation. (No. 14 in Appendix)

Mr. Murrow was then called on to proceed with his charges against Mr. Caldwell.

Mr. Murrow handed in a list of his charges against Mr. Caldwell.

(No. 15 in Appendix)

Paper read—

1st Charge.—With having had a long and intimate acquaintance with a notorious pirate called Ma-chow Wong, beginning in 1847.

Mr. Caldwell was called on to state whether he admitted or denied this charge.

Mr. Caldwell admitted a long and intimate acquaintance with Ma-chow Wong, drawing a distinction however between *acquaintance* and *friendship*; but he denied that in his opinion Ma-chow Wong was a pirate, and he expressed his belief that Ma-chow Wong was not guilty of the Charge on which he had been convicted.

As to the notoriety of Ma-chow Wong's character as a Pirate, Mr. Murrow wished to call for Minutes of Executive Council and requested His Excellency to read from the paper, handed in by him, a statement of the cases against Ma-chow Wong.—Read accordingly.

The Council considered it unnecessary for Mr. Murrow to produce any further evidence in support of this 1st Charge, which the Council considered had been established.

The first charge was subdivided into eight sections.

2nd section of Charge 1:—That Mr. Caldwell repeatedly thrust himself between Ma-chow Wong and Justice.

In support of this charge Mr. Murrow referred to the following extracts from Mr. May's evidence before the Caldwell Commission of Inquiry:—

The prisoner, Ma-chow Wong, appeared at the Police Court on the 16th or 17th, and was admitted to bail, Mr. Caldwell appearing in the Court, and interfering in the case in the prisoner's favour.—*Mr. May's Evidence page 34 of Caldwell Commission Report.*

I mentioned that the deponent was in extreme terror, but I had got the information from him, and that I believed it would be very difficult to induce the witnesses to come forward and give evidence in the case; that I knew that Mr. Caldwell's presence in the Court on the previous inquiry before the Chief Magistrate had

been prejudicial to the interests of justice, and that seeing the importance of the case, and the well known intimacy existing between the prisoner and Mr. Caldwell, that it was only proper he should not appear in Court.—*Ibid*, page 35.

On the first day of my examination I stated, that I had only on two occasions had differences with Mr. Caldwell. I gave one of the instances before, and now wish to give the other. When Mr. Caldwell was in command of the *Euglet*, I think the latter part of 1856, a peculiar case occurred of a man being seized in a brothel by the aid of a Police Constable, who said he was under the impression he was seizing a thief. A man who duped the Constable, and one or two confederates robbed the man of more than \$100, and the thieves made their escape with the booty, leaving the Constable with the victim. That led to my knowing the affair, and also to my obtaining information as to the plunderers. About a week after the robbery, a Constable got information that the man who had taken the principal part in the duping and robbery, a well-known bad character, was in the upper part of the house of Ma-chow Wong in the Central Market. The Constable went into the house with the intention of seizing the man, but was met by Ma-chow Wong at the top of the stairs, who forcibly prevented his going further, and while the struggle was going on between the Constable and Ma-chow Wong, the thief jumped out of the window and escaped. I directed Ma-chow Wong's apprehension, and he was brought to the Station, and, I think, locked up. I went to the market to make personal inquiry and examine the place, and on my way back to the Station met Mr. Caldwell coming down the hill in great haste and visible anger. He immediately accosted me with exclamations of the shame of the arrest of Ma-chow Wong, and saying, "You think you've got him safe now." I recollect telling him that I had nothing more to do with Ma-chow Wong than any one else, and that he must be arrested if he hindered the police in the execution of their duty. Mr. Caldwell said, "I suppose you will let me bail him," I assented to this, and Mr. Caldwell did bail him, giving his personal bail. Ma-chow Wong appeared next morning at the Police Court. Mr. Mitchell was the sitting Magistrate. I heard at the time that Mr. Caldwell was present at the investigation. I was not there. Ma-chow Wong was discharged.—*Ibid*, page 39.

Mr. Murrow said he knew that the thief mentioned in the last extract was Chui Akwei, a well known Pirate Chief, and wished to call Mr. May to confirm that fact.

Mr. May stated that the thief named was Chui Akwei. He arrived at this conclusion from reliable information which he received. Mr. May referred to his letter of 20th July, 1857, published in Blue Book, wherein he made a report of this fact to the Government.

Mr. Murrow applied for production of depositions in case of Ma-chow Wong charged with obstructing Police when attempting to apprehend a man, afterwards said to have been Chui Akwei. Ordered.

Mr. May stated in reply to Mr. Caldwell that it was not until 8 months after the transaction referred to, that he discovered that the thief was Chui Akwei.

Mr. Caldwell asked Mr. May whether it was not by the instrumentality of Ma-chow Wong that Chui Akwei was subsequently apprehended and committed for trial on this very charge.

Mr. May had no recollection that Chui Akwei had ever been apprehended but he entered into an explanation of a conversation he had with Mr. Caldwell as to his desire to apprehend the principal (Chui Akwei) (as it was a case in which the Police were concerned) and that he cared nothing about Ma-chow Wong as to that case, and in which conversation Mr. Caldwell said he would try what he could do to ensure the apprehension of the man. Mr. Caldwell further in that conversation explained to Mr. May the manner in which the robbery in the brothel had been planned and effected.

Mr. May stated that a proclamation was issued by the Government dated 17th May, 1858, offering a reward of \$500 for the apprehension of Chui Akwei described therein as a "Notorious Pirate."

Mr. Murrow referred, in further proof of this charge, to the following extract from Mr. Davies' evidence before the Caldwell Commission of Inquiry:—

I now go on to the Ma-chow Wong case: On the 17th July, 1857, Ma-chow Wong and another were charged before me by Mr. Grand-Pré, with knowingly receiving sugar piratically stolen. The only witness besides Mr. Grand-Pré, was Sergeant da Silva. There was no evidence whatever to justify me in detaining the defendants, but the circumstances were such as led me to suppose that evidence of criminality might be forthcoming on a future occasion. I therefore bound them over to appear and answer any charge within six weeks. The two sureties were procured by Mr. Caldwell. I am almost certain it was upon this occasion that Mr. Inglis was sitting on the bench on my left hand, and Mr. Caldwell on my right hand. At the commencement of the case, Mr. Inglis said to me in a loud voice, "I think you ought to know, Sir, that this Ma-chow Wong is a notorious scoundrel, and has been convicted of receiving stolen goods." Mr. Caldwell immediately replied, also aloud, "That's quite a mistake, Mr. Inglis; no such thing ever happened." Towards the end of the case Mr. Inglis whispered to me, "Mr. Caldwell is Ma-chow Wong's adopted son," or he may have said "adopted father,"—I don't know which. I made no remark at the time, but at the end of the case I said quietly to Mr. Caldwell, "I have heard something, Mr. Caldwell, about your connection with this case, which, if it were said of me, I should perhaps feel it indelicate in me to be present during the inquiry. It is for you to consider whether you know of any reason which should make you think you ought not to be present." I said no more, and said I should say no more. Upon consideration I have some doubt whether I am correct as to the day on which this occurred. I did not give Mr. Caldwell time to make any remark, and he made none. On Monday, the 20th July, Dr. Bridges requested me to take a case which was coming on against Ma-chow Wong. I said, "It is not my day, I have Petty Sessions business to attend to; it will be Mr. May's case." Dr. Bridges explained to me, that he believed Mr. May to be in some way prejudiced against Ma-chow Wong, and, I think he said, against Mr. Caldwell also, and that therefore he thought it very desirable I should take the case. My

objection to doing so, solely arose from a desire that Mr. May's feelings should not be hurt, and it was ultimately arranged we should both sit. On the 21st July, the next day, 24 men were brought before me, charged with the same offence as Ma-chow Wong and the other were charged with on Friday the 17th, and Ma-chow Wong and the other man were again placed in the dock. On this case I sat alone, and after ten sittings, I committed Ma-chow Wong and 25 others for trial, and upon this case he was convicted. Mr. May and I sat, as I have said, together on the other case, and upon it Ma-chow Wong and another were committed for trial. In neither case was he admitted to bail until after he was committed. He was then bailed by order of the Chief Justice, the Crown Solicitor looking to the sufficiency of the sureties. While the hearing of the cases in the Police Court was going on, Ma-chow Wong and his friends had been heard to utter threats against the witnesses, and upon the affidavit of two of these witnesses, I bound him over to keep the peace, with four sureties—of which sureties Lai Sze-kai was one. On the day on which I took the recognizances, I saw Mr. Caldwell at the Police Court, with a number of persons, who offered themselves as sureties; he showed me a list of eight names. I believe it is quite true, as Mr. Caldwell seems to suggest, that I asked Mr. Caldwell into the Magistrate's room; in fact, I spent about three quarters of an hour in examining into the sufficiency of the sureties. I made each of them make a declaration, that the value of his property, after all his debts were paid, was enough to cover the penalty.

The Attorney General's statement, [see page 32,] about our warning Ma-chow Wong against threats of violence, is perfectly accurate. We both not only warned him, but addressed the public. I happen to recollect also, as Mr. Anstey has stated, that, as the words Samkwei came out of the witness' mouth, Mr. Anstey came in to the Court.—*Mr. Davies' Evidence, page 87, Caldwell Commission Report.*

Mr. Caldwell asked Mr. May to state the circumstances under which he issued the Warrant against Ma-chow Wong in the Sugar case alluded to in the extract above referred to.

Mr. May said that in July, 1857, Tong-Akü, the Interpreter of the Court, told him that he knew of a case which had occurred within 5 or 6 days in which a man (Lee Akum) had been plundered by Pirates, and that the property had been brought to Hongkong, and that the owner had recovered a portion of it from Ma-chow Wong, but that the man was so intimidated he dared not come forward to make the charge. Mr. May insisted that Tong-Akü should go himself and bring the man before him. With great reluctance he went and brought the man, whom Mr. May at once recognized as being a respectable Shopkeeper, (Lee Akum). Lee Akum was in a great fright, and it was not until he was assured that he should have the full protection of the law that he consented to detail the circumstances on which the Warrant was issued. Mr. May said that he had endeavoured to keep all this as quiet as possible, knowing that Ma-chow Wong had emissaries in every quarter; nevertheless Ma-chow Wong obtained information of what was going on, and informed his Attorney, Mr. Stace, that a Warrant was about to be issued and consulted him as to whether he should run away.

In reply to Mr. Caldwell Mr. May said that he could not say without reference to the papers whether Lee Akum signed the information, but he supposes he did in the ordinary course—so far as he could recollect he did not see Lee Akum afterwards on the same day—he had no recollection of sending a Police Constable with Lee Akum to the Police Station there to await his arrival—he could not say whether he gave any order for putting a Police Constable specially over Lee Akum's house that night, but thinks it not improbable he may have done so as Lee Akum was in great terror, and wished to be supposed to be giving evidence under compulsion—he had no recollection of asking Lee Akum next morning who it was left his house about 9 o'clock the previous evening or of seeing Lee Akum next morning at all.

Mr. Murrow then referred as further proof in support of this section of Charge 1 to Mr. Davies' letter to Colonial Secretary No. 32 of 16th August, 1858, which had (No. 16 in Appendix) been omitted from Blue Book—Extract read, shewing that in Mr. Davies' opinion Tong-Akü, Interpreter to Police Court, resigned because of the hostility of Mr. Caldwell and Ma-chow Wong.

Also to the following extracts from a letter addressed to the Acting Colonial Secretary by Mr. May dated 20th July, 1857, and printed in the Blue Book laid before Parliament:—

His Excellency will doubtless perceive that, if these accusations be true, there is a bond of union amongst those connected, which accident alone can bring to light; and although there is floating on the minds of the Chinese community a general knowledge and belief of the accusations, that no direct intelligence can be obtained from them, there is undoubtedly a common feeling that Wong Akee *alias* Matsow-Wong, has immense power, which he wields for the protection of his friends and the destruction of his enemies, and that he derives this immense power from Mr. Caldwell.—*4th paragraph, page 70.*

A peculiarity about all the cases so mentioned, and numerous others, is that Mr. Stace, who is Wong Akee's attorney, has appeared for the prisoners, and that Mr. Caldwell has exhibited an interest in the matter by appearing at the court.—*Last paragraph, page 71.*

In conclusion, I conceive it my duty to Her Majesty's Government to remark that it is beyond doubt a fact that Wong Akee is a notorious vagabond, his name a terror to the Chinese community, who believe him to have great power, although a confederator with pirates, and that the Chinese community believe him to derive his power from Mr. Caldwell; and it is no less beyond doubt that he, Wong Akee, has a remarkable influence over Mr. Caldwell's opinions, which I unhesitatingly say is not beneficial to the public.—*Last paragraph of letter, page 72 of Blue Book.*

3rd section of Charge 1:—With having appeared on the Bench when Ma-chow Wong was brought before the Magistrate in the Davies' Sugar case, and given Ma-chow Wong a good character.

Mr. Murrow referred in support of this Charge to the following extract from Mr. Davies' evidence before the Caldwell Commission of Inquiry:—

"I think you ought to know, Sir, that this Ma-chow Wong is a notorious scoundrel, and has been convicted of receiving stolen goods." Mr. Caldwell immediately replied, also aloud, "That's quite a mistake, Mr. Inglis; no such thing ever happened."—*Mr. Davies' Evidence, page 87, Caldwell Commission Report.*

And to the following extract from Mr. Anstey's evidence before the same Commission:—

Mr. May and the Chief Magistrate, who were the Committing Justices, will be able to inform the Commission who procured bail for Ma-chow Wong, and whether the Chief Magistrate warned Mr. Caldwell that it would be more decent for him to stay away from the inquiry upon his sitting on the bench, and offering suggestions favourable to the culprit.—*Mr. Anstey's Evidence, page 32, Caldwell Commission Report.*

Mr. Caldwell said that he did not, on the occasion referred to, give Ma-chow Wong a good character, but merely said that he had not been convicted as stated.

4th section of Charge 1:—With having procured or been instrumental in procuring bail for Ma-chow Wong after he was committed,

Mr. Murrow in proof referred to the following extract from Mr. May's evidence before the Caldwell Commission of Inquiry:—

After the prisoner, Ma-chow Wong, was committed for trial, application was made that he should be admitted to bail. The Committing Magistrate refused to accede to the application, and an application was then made to the Judge in Chambers, for the admission of the prisoner to bail. The prisoner was bailed, and I saw Mr. Caldwell come with the bail to the Police Court, I think at the time it was accepted by the Chief Magistrate.—*Mr. May's Evidence, page 36, Caldwell Commission Report.*

Mr. May explained that the circumstance alluded to by him in the evidence quoted, was when Ma-chow Wong was called on to find sureties to keep the peace; and that he was mistaken in saying before the Inquiry that this was bail for the cases in which he Ma-chow Wong was committed for trial.

Mr. Caldwell denied that he had procured the bail, but in this as in all other cases in which Chinese were concerned he was required to examine and report as to the sufficiency of bail. Eight names were sent in and he pointed out 4 as being the best. The Magistrate was not satisfied with his certificate alone, but required him to attend at the Police Office which he did. He was not aware who the proposed Bailsmen were until Mr. Stace sent in the names.

Mr. Murrow in further support of this section (4) of the Charge referred to the following extract from the Report of Caldwell Commission of Inquiry.

That as to Charge 9 it has been proved that Mr. Caldwell aided in the acceptance of Sze Kai, his former servant, as bail for Ma-chow Wong; and that Sze Kai had been imprisoned for debt, for a few days, a short time previously.—*Report of Caldwell Commission of Inquiry.*

In reply to Colonial Secretary—Mr Caldwell said that Sze Kai had been a servant of his and that he recommended him as one of the bail believing him to be solvent. He also explained the circumstances under which Sze Kai was sent to Jail for debt.

5th section of Charge 1:—With giving evidence in favor of Ma-chow Wong when tried before the Supreme Court.

In support of this the following extract from Mr. Kingsmill's evidence before the Caldwell Commission of Inquiry was, at Mr. Murrow's request, read:—

It was my impression that Ma-chow Wong was strongly befriended from some quarter or another. I received this impression from a great many facts. I all along, while I was preparing for the trial, knew that Mr. Caldwell was assisting him, for I saw him occasionally in the street with Mr. Day and Mr. Stace, the Counsel and Attorney for the prisoner—and Mr. Caldwell took a great deal of interest on the trial, and he gave evidence in the prisoner's behalf, and I have heard it stated that Mr. Caldwell expressed confidence in Ma-chow Wong. Then, on the day of the conviction, I think before dark that evening, I heard that Mr. Caldwell had petitioned the Governor to allow Ma-chow Wong's tail to remain on, until some further inquiry was made into the case. I never saw the man after he was convicted, but I believe as a matter of fact, that his tail did stay on. I felt particularly anxious about the case, as if my whole reputation were staked upon it. I knew the character of the prisoner, and the terror of the Chinese population about him. I knew that Mr. Caldwell expressed confidence in him, and was anxious about his defence. I knew that, with an assistant intimate with the language like Mr. Caldwell, the defence had an advantage I had not, and I had two very able counsel against me.—*Mr. Kingsmill's Evidence, page 62 of Caldwell Commission Report.*

Mr. Caldwell being called on, said he did not deny this Charge, but he could not at the moment recollect whether he had given evidence on that occasion or not.

Reference being made to a Newspaper report of the trial, it appeared that Mr. Caldwell did give evidence on behalf of the Prisoner, and had been summoned as one of the witnesses for the defence.

6th section of Charge 1 :—With having gone to the Governor the day after Ma-chow Wong was convicted with the Prisoner's Counsel to solicit a pardon or mitigation of sentence for Ma-chow Wong.

Mr. Caldwell admitted this.

7th section of Charge 1 :—With having got up a petition in favor of Ma-chow Wong to the Government and Executive Council, which some of the Chinese signed *in terrorem*.

Mr. Caldwell said, he did not *get up* the petition, but he admitted that he *forwarded it* and interested himself by supporting the prayer of the Petition.

Mr. Murrow referred as proof of the "terrorem" to the following extract from Mr. May's evidence before the Caldwell Commission of Inquiry :—

I have for very many years known Ma-chow Wong; I should say since 1849. I knew for years before that, of the existence of some man whom I afterwards knew by name to be Ma-chow Wong, and I knew that that man afterwards known as Ma-chow Wong was Mr. Caldwell's principal and most relied-upon informant. During the whole of that time, whenever reference was made to Ma-chow Wong either by subordinate officers of Police, by old European residents, or by Chinese, they always coupled his name with some epithet having reference to his bad character. As a matter of repute and notoriety, I know that Ma-chow Wong has for years been considered an extortioner, a recipient of bribes from gambling-house keepers, a confederate of pirates, and a receiver of stolen goods. I also knew that because of his well-known position with regard to Mr. Caldwell, which every Chinaman in the Colony very well knew, Ma-chow Wong was supposed to be in possession of great power, and was held in great dread. Of the extent of the dread I became fully aware, when it was my duty to investigate the cases against him. I spoke to very many Chinese of standing and property, and they all exhibited a knowledge of his evil character, but a reluctance to do more than own it. As an instance, at the time that an appeal was made to His Excellency for the pardon of Ma-chow Wong, I knew that a Chinese petition, numerously signed, had been presented in his favor. Late one evening, one of the wealthiest, perhaps the wealthiest, Chinaman in the Colony came to me, and said that he also represented the feelings of another wealthy Chinaman. The man said in broken English, "I am almost afraid to come to you, I come all same thief, but I want you to tell the Governor, that the Chinese who signed the petition dared not refuse to do so; but if the Governor really wants to know what those people mean, who signed it, let him give each of them one black ball, and one white one, and there won't be very many in favor of Ma-chow Wong." I told him, "I can't tell the Governor any such nonsense, if you are a race of cowards you must bear the consequences."—*Mr. May's Evidence, page 39, Caldwell Commission Report.*

Mr. May stated that the first man alluded to in the evidence just read was Wo-hang and the second Tam-Achoy.

In reply to Mr. Caldwell Mr. May stated that he did not know that there had been any money disputes between Tam-Achoy and Ma-chow Wong.—Knew they had differences, but thought it had been about some piratical matter.—There had been a charge of Piracy at the Police Office, and it was suspected that Tam-Achoy had assisted in the escape of Pirates.—Knew there was rivalry and ill-feeling between them.—Believed Ma-chow Wong was arrested on Civil Writ, but did not know at whose suit.

Mr Caldwell asked Mr May whether he remembered a case in which he (Caldwell) gave him information as to a case in which two piratical boats were seized, and that Tam-Achoy and another gave a written undertaking to the witnesses to pay a certain sum of money if they would not appear and give evidence.—That that written undertaking was found and produced at the Police Court and was, by order of the Magistrate, attached to the Depositions, but when afterwards called for it was not to be found.—That Mr. Mitchell made a disturbance about it, and that it was ultimately found secreted in Tong-Akii's desk.

Mr. May did not remember the circumstances referred to.

Mr. Murrow referred in further proof of this section of the charge to Wo-hang's evidence before Caldwell Commission of Inquiry :—

I do not remember a petition being sent into the Governor for the pardon of Ma-chow Wong, nor do I remember speaking to Tam Achoy about it. I recollect going to Mr. May by request of Tam Achoy. I cannot recollect what I said to Mr May. Upon hearing Mr. May's evidence read over, I now recollect having said to him what he states I said about the Ma-chow Wong petition.—*Wo-hang's Evidence, page 81, Caldwell Commission Report.*

The Council adjourned to Monday, the 20th Instant, at noon.

4th Sitting.

MONDAY, 20TH AUGUST, 1860.

The Executive Council met to-day, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Mr. May explained, with reference to his answer at the last Meeting that he had no recollection whether or not Chui Akwei was apprehended on information given by Ma-chow Wong, that he had since ascertained that Chui Akwei never was apprehended.

Mr. Murrow wished to add to his evidence in support of section 4 of Charge 1, given at the last Meeting, the following extract from Mr. Davies' evidence before the Caldwell Commission of Inquiry:—

Mr. Caldwell is no doubt correct in stating that he did not *procure* the sureties for Ma-chow Wong; but when I said that I should require them, and that I would take their recognizances as soon as their validity had been ascertained, Mr. Caldwell said "they are here *now*," and pointed out some men. I asked him whether he guaranteed their validity, and upon his saying that he did, I took them at once.—*Mr. Davies' Evidence, page 96, Caldwell Commission Report.*

Mr. Murrow then proceeded with the 8th section of Charge 1:—

With having reported, when directed to examine the papers found in Ma-chow Wong's shop, that they contained no evidence of guilt—and that such misrepresentation would, but for the merest chance, have procured the pardon of Ma-chow Wong.

Mr. Caldwell admitted that he examined such of the papers as were handed to him by Mr. Mongan, and that he reported that he did not find in them any evidence of guilt.

Read Letter from the Clerk of Councils dated 28th September, 1857, to Mr. Mongan, Assistant Chinese Secretary (printed in Blue Book, p. 352) directing him to assist Mr. Caldwell in making translation of Ma-chow Wong's books.

◦ 17 in Appendix.) Read Letter to Mr. Caldwell, same date, from the Clerk of Councils requesting him to examine the books and to make a written report on the contents of them.

◦ 18 in Appendix.) Read Mr. Caldwell's reply to the Clerk of Councils, dated 5th October, 1857, explaining particulars of verbal statement made by him to the Executive Council relative to Ma-chow Wong, and the cause of Mr. Dixon's attacking Ma-chow Wong in the *China Mail*; also giving history of his (Mr. Caldwell's) acquaintance with Ma-chow Wong, whose career he described. This Letter also covered Mr. Caldwell's report on the books and papers found in Ma-chow Wong's Hong and house upon his apprehension.

Read Mr. Caldwell's report above referred to, as published in Blue Book, page 306, (marked B.)

Mr. Murrow referred as proof in support of this Charge to the following extract from Mr. Caldwell's evidence before the Magistrates:—

I declare upon my oath that the said report sets forth a true and full account of all entries of a suspicious nature that passed under my eye, in my examination of the documents in question.—*Mr. Caldwell's Evidence in the Queen v. Tarrant, Blue Book, pages 306 and 307.*

Also to the following extract from Mr. Mongan's evidence before Supreme Court:—

I examined them with Mr. Caldwell, and gave him assistance in making his report thereon; and when called before the Council on the 12th of October I expressed my full concurrence in the general correctness of Mr. Caldwell's report. That report was made with reference to statements that had appeared in the "China Mail." On the same day his Excellency told me that Mr. Dixon had produced memoranda of Mr. May, which seemed to bear out the statements in the newspaper. He directed me to hand over all the books and papers in my custody to Mr. Wade. I handed them over to him on the next day, 13th of October, having first carefully tied them up with red tape, and sealed them, after which I supposed that I had done with the documents.—*Mr. Mongan's Evidence in the Queen v. Tarrant, Blue Book, page 352.*

Also to same evidence,—

Attorney General.—You had divided those papers into suspicious and non-suspicious documents?—*Mr. Mongan.* At the time that I received the books I sorted them for examination, and then I divided them into two lots. I took them out of the baskets as they came to hand. Those which bore upon statements in the "China Mail" I put on one side, those that did not bear on such statements I put on the other side; that was the division I made.—*Ibid, page 353.*

Also to Mr. Dixon's evidence before the Magistrates in same case:—

By Mr. Anstey.—I was examined before the Caldwell Commission on Friday, 28th May last. I have since read the printed minute of my evidence; I now confirm the same upon oath, as far as it refers to

Ma-chow Wong and the documents, and the inquiry before the Council. Before that inquiry I was editor as well as proprietor of the "China Mail."

[The said "China Mail" of 15th October is exhibited to the witness, and six letters are read by him.]

These I believe to be correct copies of the correspondence that passed between the Executive Council and myself on the subject of the inquiry. I believe they form the whole of it. The letter of 6th October was the only summons I got to attend before the Council. Having been by that letter asked for my proofs, I wrote to Mr. May, he being my informant. He wrote me in reply that he could not attend, unless desired by the Governor, informing me, however, that he had memoranda which bore out my statements relating to Ma-chow Wong, which memoranda he (Mr. May) would bring with him if required to attend the Council. I then (12th October) went to the Council, was examined, and, with Mr. May's permission, left in his Excellency's hands Mr. May's notes; and I believe I also furnished Mr. Almada, the Clerk of Councils, with a copy of the note, and made that a ground for requesting that the original might be returned, which was done accordingly. I do not know what became of the original note, but will look for it. In returning me the note, Mr. Almada reminded me that the proceedings of the Council were confidential. I declined to act upon that intimation. In my examination before the Council, I placed the original in his Excellency's hands, to show that I was prepared with proofs, through Mr. May, of substantiating what I had stated in the "China Mail." The Governor said, "We have got a translation of May's memoranda, but they do not bear out your statements" (meaning the statement in the "China Mail" of the 17th September, which His Excellency had in his hand.) There was a great deal of conversation about the memoranda, in which I defended my statements on their authority. His Excellency then ordered Mr. May to attend forthwith. I also gave into the Governor's hands a bill of exchange drawn by Ma-chow Wong on a pirate leader in Shanghai. I have that bill now in my possession; the amount is 3,000 dollars. Before my examination closed, Mr. Mongan was called in, and produced the alleged translation of the documents. The translation was read aloud by Mr. Mongan. I said at once, "These cannot be the same documents." I was perfectly astonished. I think the Governor asked Mr. Mongan whether he had made the translation himself, or could guarantee its correctness, or something to that effect, and he replied that he believed it to be correct. He added that he had been directed to assist Mr. Caldwell in making it. I do not recollect whether Mr. May was there during Mr. Mongan's examination. Mr. Mongan did not sit down, but stood on the Governor's left hand. His Excellency examined me chiefly with regard to those of my statements which were afterwards justified by the memoranda. His Excellency requested proofs of all my other statements, which owing to the long lapse of time, I was unable to furnish. My statement in the "Mail," that certain money transactions with foreigners were referred to in Ma-chow Wong's books, referred to Mr. Caldwell. I had known of other transactions with foreigners, but as those were of mere business matters, I do not mention the names of the parties concerned. Before I had seen Mr. May's memoranda, I glanced over them, otherwise I should not have inserted them, even upon Mr. May's verbal statement.

Mr. Lane was examined after me. This examination only lasted five to ten minutes. Mr. May was then called in, produced his memoranda, and read them item by item. The Council appeared to be perfectly astonished. Dr. Bridges said he did not know whether he was standing on his head or his heels, and asked, "Why have I not seen those documents before?" Mr. May gave some explanation, which I forget. The Governor then referred Mr. May to Mr. Mongan's translation. Mr. Mongan was then called in, and in answer to the Governor's question, stated that he had not made a very close examination of the books, but merely a cursory one. The Council then broke up in some confusion, and I believe Mr. May left his memoranda in their hands. The documents read by Mr. May were the same I had previously perused. I do not think Mr. Mongan sat down at all.—*Mr. Dixon's Evidence in the Queen v. Tarrant, Blue Book, pages 317 and 318.*

Also to Mr. May's Memoranda, being Jottings taken by Mr. May of Tong-Aku's translation of Ma-chow Wong's books and papers:—

Mr. May's Memoranda.

Daily expense book of a Lorcha Kum-hap-hone, are entries of receipts of monies, nearly one dollar per day from certain gaming houses at the beginning of 1856; from three lottery offices, pay daily 1,480 cash per day.

A book of payments from the Chum-shune-tong gambling to the Sunon people of 200 cash per day, bearing the seal and that inscription, but the leaves torn out.

A similar book from the Kum-shing-tong gambling-house, ditto, ditto; leaves torn out.

A book bearing no seal or name, but payment of 100 cash per day to the Sunon people on account of gambling; many entries.

A book of loans, beginning of 1854, of small amounts lent to different people on security of different articles, at heavy interest, 7 to 14 per cent.

A book of a few pages only; 10, 11 and 12 month accounts, year not mentioned, of ancient cash, paid on account of provision; very large amounts, 130,000 cash at one time.

A book, Chay-yuen's account, 1855. March: Paid to Mr. Stace, 50 dollars; the same month again, 50 dollars; gunpowder, 15 dollars. April: Paid to Mr. Stace, 17 dollars.

Part of a paper relative to a junk obtained from the mandarin at Toong-chow, showing payments of amount to different mandarins, as cumshaws: 45 taels to one; 17 taels to another, seeming to be expense of getting her back; total, 370 taels. Part of the paper torn off. The expense paid in 10 shares.

A paper of money received, in which the peculiar term ancient cash is mentioned, 583,000; one entry.

A paper of payment to a lawyer of 25 dollars, by Fook Yow.

A memorandum of a small piece of paper, bearing addressed to the Kwong-yik-loong, bearing the seal of the Yue-ai shop. 4th July: Please deliver to the bearer of 16 taels, the gunpowder.

A bill from the Yet-sing shop to Kee Kee, of one doz. cherry brandy, $\frac{1}{2}$ doz. sherry, $\frac{1}{2}$ doz. lemon syrup.

A letter written to Kum Kee, by one named Aweye, relative to the slave trade at Singapore and Penang, and having sold so many men.

A paper addressed to Kum Kee, the seal not clearly discernible, on the subject of the steamer; when she arrives, the thing in money will be sent.

An agreement of a lorch, chartered from Kum Kee, in which the latter holds three tenths of the profits.

A payment of 25 dollars by Afoo to lawyer. No date.

A paper of different names of crews exchanging to three boats.

A letter of money lent; 22 dollars and 8 taels to a celebrated late pirate, named Chu-Ahquai, now an officer of Chun-quih-tsik. This man was the man charged with extortion, who Mah-tso-wong aided to escape, for which Mah-chow-wong was apprehended.

A memorandum of the Sun-yook shop at Shek-tong-tsui, of having sold to Kee Kee 4 piculs, 64 catties of gunpowder, 33 taels 4.4 cands; 9 mo., no year. Also entry on the same paper of having received 30 catties of sulphur from Kee Kee.

An account of 400 dollars, purporting to have been borrowed from Mr. Stace by Wong Acheong, for which Mr. Stace is security. Sept. 1856.

A memorandum from the Luenloong shop for alum, sold on account of person addressed, 440 taels; 2d day 12 moon, no year. After paying 72 taels, boat hire, and another sum of 72 taels, leaving a net balance 296, dividing between the two in equal shares.

A memorandum of money received, apparently for the Sunon people, from Sept. to Jan. 109,000 cash; also showing payments to different people in small accounts; and one man in particular, a noted triad, Mak-tye.

A paper purchase-money for buying military rank. A memorandum.

A memorandum from the Tai-loong shop to Kum Kee, dated 2 moon 30 day, no year, of different amounts received, and capital money of 589 dollars received from the latter.

A paper from the owner of an opium shop, soliciting Kum Kee's interference in the behalf of two men charged with robbing Mr. Gibb of silk.

Entries in a rough Memorandum Book.

11 day 4 moon 1855, one picul of rice to Mr. Caldwell.

Next day, sold to a man, nicknamed Lei-fo-m'ok, 2 cannon.

12 day, 5 moon, 400 cash, watching a mandarin boat.

26 day, two guns lent.

26 day 4 mo., paid on account of Wongkowman of a tor boat, 130 dollars to Mr. Caldwell.

27 day, lent to Wongkowman 100 dollars; this boat divided into four shares, of which Wong Akee owns one (this is written in the book); several entries paid on account of gunpowder, shot, and European liquors.

Received from Atchou 10 dollars, steamer money.

Entry, one steamer, 17 dollars.

21 day, sixth month, received from Mr. Caldwell 17 dollars.

2d " " " received by the hands of Mr. Caldwell, 120 dollars.

Expense Book of 1851-1852.

Mr. Caldwell's account:—Money received from, or for, 11 different amounts; total 616 taels 4 mace 6½ cand.: only sums of money written.

Due by Low Atuk to Mr. Caldwell, 160 dollars. 18th day, 5th month, received by Akee this 160 dollars.

Daily Account Book, 1855.

8 day, 4 mo., bargained by Ewo, three guns; received 100 dollars bargain-money.

14 day, received from Muntowquok three guns.

13 day, gunpowder 15; stinkpots, 36 dollars; again, stinkpots, 40; again, gunpowder, one jar; gunpowder bags, many tens.

14 day, 15 shields.

26 " one gun from Foo-tye.

9th day, the boat measured this day 7 cheang, 7 feet, 5 inches; breadth, 2 cheang, 2 feet, 9 inches.

4th day, 5th mo., four carriages.

7th " " received from Wun-loong 200 taels; 8 day, 300 taels. This was the shop convicted in gold dust robbery. The amount given over to Tuck-chay to buy guns.

9th day, 5th mo., pay to Fuk-chay, for four guns, 324 taels.

Same day, for 9 casks of gunpowder, paid 42 taels.

Same day, received from Tong-see one cannon, price not settled.

10th day, paid for muskets, 7 dollars.

27 " no mo., cannon ball, 10 piculs, 81 catties, 32 taels, 4. 3.

8 day, 4th mo., muskets, 9 dollars.

No date. Two muskets, 17 dollars.

Again; muskets, 7 dollars.

" 4 jars of gunpowder, 30 dollars.

18 day, 4 mo., one entry of a lorcha, value 5,184 taels; received from Wun-loong, bargain-money, 498 taels 6 m. 3 c.; the boat divided into nine shares, each share, 520 taels.

12 day, paid by Tuk Atuk, for cannon shot, 12 dollars.

3 day, 4 mo., received shot, 497 catties.

2 day, 1855. Ground rent, Tchim-sah-tsoy.

Received by Kee Kee from the shore, 12,000 cash a month.

Received from Lum-sow-choi, from the 1 day, 7 mo., up to the 29 day, 10 mo., 27 taels 9 mace, ground rent.

1 day, 12 mo., 1854, received from the shore 15,000 cash.

28 do., 1 mo., 1856, paid to military officer, on account of expense for the ground-rent, 4½ taels.

4 day, 6 mo., 1856, paid to four Chim-sah-tsoy police, to buy opium, 900 cash.

A paper bearing memorandum of guns fired.

25, 3 mo., one gun from Ty-chow-mow; one gun from Foong-mee; one gun from Poochee-tang-moon; six guns from Pat-hoy-fong-quong; three guns from Poo-how; five guns from Mahn-shakn.

Slip of paper bearing 12 names.

A receipt by Tung Alook of Crown rent from Wong-kum-kee; a bill to Kee Kee, to Shun-loong, of two balls of Patna and some opium dross, showing that he had sold opium.

A prom. note from Cheng-hon-cheng-kee; borrowed 10 dollars to pay to police court for debt.

25 day, 1 mo., 1854; a memorandum of sums of money due by Akee to blank, from Jan. to June 1855; six items, including interest, 2,449.90 dollars.

A paper, list of steermen, gunner and seamen, sent from Kee-loong-poo-oan to Kee Kee.

An envelope of a letter addressed to Wong-kum-kee from the Magistracy of Sunon.

An envelope of a letter, Messrs. Loong & Wong, from the Military Department of Cowloon.

A letter from Cheong, the present commandant of Cowloon, to Mr. Loong (Akee's clerk), relative to the seals and other things taken away by the military when they visited Cowloon, thanking Mr. Caldwell and Messrs. Loong & Wong Akee for the trouble they took in obtaining the things.

A letter written from some officer at Cowloon, addressed to Mr. Loong, at Wong-kum-kee's finding fault with him for not performing his promises in sending the things over as he had previously promised.

A paper about employing Mr. Stace in a case not further alluded to; no date.

A petition about a man, Wong Ayow, belonging to the Leun-loong shop, charged with piracy; 1 mo., present year.

Another petition, stating that the prosecutor in the same case, Chun-cho-ping, presents the charge in order to extort.

A petition in the 2d month this year of a boat being upset by a tor boat at Showkewan; compensation asked for.

* The draft of a petitioner from Chunsing E. E., who states that he is a shopkeeper at Lintin, that he owes three boats, and has 38 men in his employ. He presents this petition, fearing that steamers may apprehend his boats and people by mistake.

The draft of a petition in the name of Cheng-mun-choo, claiming one of the tor boats captured by Her Majesty's steamer to be his; that it was taken from him by rebels.

The draft of a petition in the name of Hu-huen-pong, of Sunon, to his Excellency the Governor, reporting a case of piracy and murder committed by rebels, and begging assistance to capture the offenders.

Memorandum of about 70 dollars lost in gambling.

A red paper of 1,500 dollars; transactions between Foonghokshing and Wong Akee and Mr. Caldwell.

A red paper; written as follows:—

Goods—

Sooshingwo boat,

Bow down.

—Mr. May's Memoranda, *Blue Book*, pages 282 a 284.

Also to the following article from *China Mail*, published at p. 353 of *Blue Book*:—

An alarm, groundless, we believe, seems to prevail among the public, and especially the Chinese portion, that through a mistaken leniency on the part of Sir John Bowring, the convict Ma-chow Wong may be again let loose on the community. Government must be too well aware of the antecedents of this 'highly respectable' and 'very ill-used' individual, to permit him even a chance of escape. The books of the firm found in his shop are of themselves, we are told, quite sufficient to justify his deportation under Ordinance No. 2 of 1857, for they prove a direct communication with the mandarins, and especially with a lieutenant of the notorious Chan-kwai-chih. They also show the purchase of such immense quantities, thousands of dollars' worth, of munitions of war, including gunpowder, shot, guns, muskets, shields, stinkpots, &c., as could by no possibility have been employed for any purpose but that of piracy. He is there shown also to have been connected in some manner with the robbery of silk from Messrs. Gibb, Livingston & Co.'s godowns, and to have likewise taken an active share in recovering pirate vessels seized by Her Majesty's ships of war. He has, besides, engaged extensively in a slave trade carried on in the Straits; and is shown to have advanced money to, and actually assisted in the escape of, pirates. He seems to have been the universal agent in all matters connected with the defence of criminals, and the sums of money disbursed in the form of lawyer's fees are enormous; in fact, one would almost be inclined to consider him the authorised protector of Chinese miscreants of every kind. Some money transactions with foreigners are referred to in his books, and others we wot of, of which for the present we will say no more, than merely to state, that in the 'gold dust robbery alone,' a sum of about 1,000 dollars out of 40,000 dollars was recovered and ordered to be handed over to the poor unfortunates from whom it had been stolen, and that its distribution was somehow made through Ma-chow Wong. How much stuck to his fingers, we cannot say; but we are assured that only about one-half reached those for whom it was intended, and that even that sum was not fairly distributed.

We have no means now of ascertaining particulars of his numerous appearances in public, but besides his having to disgorge 20 dollars which he had extorted from a poor Chinawoman just returned from California, and the particulars of which will be found in the '*China Mail*' of 15 and 24 February 1853, we know that in 1847 he and several others were tried at the Supreme Court for breaking into the store of Mr. Hall, and stealing children's wearing apparel, stationery, &c. Some of the clothing was afterwards offered to Mrs. Clifton for sale, and this led to the apprehension of a man, who stated that he received the articles from Ma-chow Wong. The house of the latter was searched and other portions of the stolen property found under his bed; nevertheless he escaped conviction, for even in those days he had a friend in the council. From that time until he became fat upon his ill-gotten gains, Ma-chow Wong was considered as the orbit round which the satellites of plunder revolved, and to him as the centre of attraction came the booty. He became the recognised head of the turbulent class of Chinese people, and a man of might and power for evil; and even held subordinate situations under Government, such as that of tepo of Shek-paiwan, from which he was summarily ousted by Mr. Hillier in 1853.

Besides the case above referred to, he appeared before our late chief magistrate once or twice in matters touching extortion. From his numerous delinquencies, Mr. Hillier had a thorough abhorrence of the man. He was also apprehended upon a charge of obstructing the police and conniving at the escape of a man charged with felony (afterwards ascertained to be a notorious pirate); but his early patron still presided over the fortunes of Wong, bailed him out, and, attending at the police court, re-established the purity of his reputation, and once more Akee returned to his lair at the market, "a wiser if not a better man."

Whenever a case of piracy broke down at the police court, of a surety was Akee's shadow seen in the background, though his agents alone appeared bodily in court.

An outline of the case not tried at the late sessions of the Supreme Court cannot be other than useful intelligence to the public. In July last, a respectable trader chartered a junk to bring a cargo of sugar, blue dye, and sesamé seed to the colony. On the 6th July, the day after sailing, the vessel was attacked and captured near Lintin by a fleet of pirates, and during the attack, the wife of the master, the wife of the master's son, and two of the junk's crew were killed, and the master and some others of the crew wounded. The pirates threw the dead bodies overboard, sailed the boat to Lintin, and the same night transhipped the

* The concluding part from this* is not in Mr. May's handwriting.

cargo into their own vessel, liberating the captured boat at about 3 A.M. of the 7th July. The latter got under weigh at daybreak and sailed to Hongkong, and at 7 o'clock the same morning information was given to the charterer, who, after sending word of the piracy to the police, went in quest of the plundered cargo. At 9 A.M. the same day he found 110 bags of the sugar, and 15 tubs of blue dye, at Ma-chow Wong's shop in Bonham Strand. The man in charge of the shop referred the owner to Ma-chow Wong, with whom accordingly he had an interview at the Central Market. Ma-chow Wong, after decrying any appeal to the police, promised to restore the sugar in his possession, and to use his best influence to aid in the recovery of the remainder, stating that the person who had given him the sugar had left the colony. Accordingly, the sugar and blue dye were given up, but only after a demur subsequent to the first arrangement, and on an understanding that the receiver was to give to Ma-chow Wong a bonus of 100 dollars. The books of the shop prove these strange facts: that before and after the delivery of the sugar, Ma-chow Wong had been in direct correspondence and dealings with the pirates, having paid to the latter the 100 dollars received from the owner of the sugar the day subsequent to its delivery, and, consequently, at that time with a full knowledge that the recipient was a pirate. Another peculiar feature of the matter is, that as early as 7 A.M. of 7th July (the day after the piracy), a man from Ma-chow Wong's shop had effected a sale of the sugar to another dealer, a friend to the firm; so that if there had been any delay in the search, the sugar would not have been found.

The charges against Tong Aki, the interpreter, trumped up in consequence of the assistance rendered by him against Ma-chow Wong, resulted in his entire acquittal; and his accuser in each instance was so plainly convicted of perjury, that the magistrate deemed it his duty to sentence the one not already a convict to pay a fine of £10, or suffer two months' imprisonment. As the money was of course not forthcoming, the scoundrel is now at work on the roads among the chain gang, where we are only astonished to see that Wong Akee is not.

We have only further now to add, that we believe it to be quite true that Ma-chow Wong and his partner in iniquity, Wong Atung, have for some reason been allowed to retain their queues, when others, and much lesser criminals, have been deprived of theirs. This, we presume, will now be rectified, for, so far as we understand, there is not the slightest hope of pardon, and it were a lasting shame to Sir John Bowring and his council did they extend it to such a miscreant.—*China Mail*, 17th September, 1857, *Blue Book*, pages 353 and 354.

Also to the following extract from Mr. Grand-Pré's evidence before the Caldwell Commission of Inquiry:—

I remember going to the Supreme Court on the 5th February this year, and getting from the Registrar 8 of the books of the Kwong Yik Loong shop. I had something to do at the Supreme Court that morning, and called in at Mr. Caldwell's office to pay him a visit; as I walked in he said, "You are the very man I want to see;" he said "here's an order from the Acting Colonial Secretary to deliver up the books and articles taken from the Kwong Yik Loong shop to the Police Station."—*Mr. Grand-Pré's Evidence*, page 69, *Caldwell Commission Report*.

At Mr. Caldwell's request, the following extract from Mr. Grand-Pré's evidence before the Caldwell Commission of Inquiry was also put in and read:—

When I was Assistant Superintendent of Police, a man belonging to the shop brought a note to the Police Station from Mr. Caldwell, and I delivered up the articles, having previously seen the petition. I am not certain whether I consulted Mr. May, nor whether I received instructions from Mr. May to give them up. There was only one Chinaman came, a man whom I had previously arrested in the shop; no Europeans,—neither Mr. Caldwell nor Stace came. I delivered up all the articles, some bundles, but no books or papers. Subsequently I went to Mr. Masson with the petition, and received the books and papers on the 5th February, as mentioned in the receipt.—*Ibid*, page 69.

Mr. Caldwell explained that a Petition was presented to Government by Ma-chow Wong's friends praying for a return of Ma-chow Wong's books as the business of the Hong was at a stand still for want of them. The word "approved" was written on the Petition by either the Acting Colonial Secretary or the Governor; Mr. Caldwell then gave the Petition to Mr. Grand-Pré for him to obtain the books from the Supreme Court and give them up together with the other property which he (Grand-Pré) had.

Mr. May stated in reply to Mr. Murrow that the Acting Attorney General had told him to retain all Ma-chow Wong's property, but he did not remember that the Acting Attorney General or other Government Officers strongly protested against the giving up the property to Ma-chow Wong's friends.

Mr. Murrow then referred to the following extract from Mr. Caldwell's report on Ma-chow Wong's papers:—

4. An entry in another book of the advance, by the Kwang Yek-loong Hong, to the Sun-sam Shing boat of 100 taels.—*Mr. Caldwell's Report on the Examination of Ma-chow Wong's Papers*, *Blue Book*, page 306.

Mr. Murrow stated that the boat "Sun-sam Shing" referred to in the above extract was the boat of the Pirates for confederating with whom Ma-chow Wong was tried and convicted.

Mr. Murrow read extract from Mr. Caldwell's evidence on Ma-chow Wong's trial where he stated that he had examined the papers before the Court, and that they were of a straight forward character.

Mr. May then gave an explanation of some of the circumstances connected with the "Sun-sam Shing" boat, shewing that it had been engaged in the commission of many acts of Piracy.

The Council adjourned till Wednesday next, the 22nd Instant, at noon.

5th Sitting.

WEDNESDAY, 22ND AUGUST, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Mr. Caldwell complained of the comments made by Mr. Murrow in the *Daily Press* on the evidence given at previous Meetings of the Council, and which he thought were calculated to prejudice him and injure his character in the estimation of the public.

The Governor intimated that the Council had no power to make any order which would be binding on the conductors of the Press, but Mr. Caldwell might rely upon it that the Council would arrive at an impartial decision uninfluenced by any comments which might appear in Newspapers.

Read Letter from Chief Justice Hulme to Acting Colonial Secretary, transmitting (No. 19 in Appendix) Notes of the trial of Ma-chow Wong and another before the Supreme Court in September, 1857, and stating that there was no doubt as to the fact of trading, but the sole question was as to the Prisoner's knowledge of the character of the persons with whom they traded.

Read Chief Justice Hulme's Notes of the trial of Ma-chow Wong and another.

(No. 20 in Appendix)

Mr. Murrow referred to the following extracts from Mr. Masson's evidence before the Caldwell Commission of Inquiry, as to the delivery of the Books from the Supreme Court to Mr. Grand-Pré, in accordance with directions from the Governor or the Acting Colonial Secretary:—

I remember the trial of the case in which Ma-chow Wong was convicted. There were two informations and three cases. There was a vast number of books sent in from the Magistracy to the Supreme Court, several of which were used as evidence on the trial, and several not. After the trial had concluded, the papers used, as well as not used, remained for a time in my custody. A petition was handed in to the Chief Justice, in which it was intimated that the Governor, and, I think, the Acting Colonial Secretary, had authorized the delivering up of the papers. I spoke to the Chief Justice, and Mr. Grand-Pré took the documents out of Court, and gave me this receipt for them:—

["Received books 1, 2, 3, 4, 5, 6, 7, and 8—8 books, February 5, 1858.—A. GRAND-PRÉ."]

All the books from the Police Station were handed to Mr. Grand-Pré with the exception of those I now produce. Mr. Grand-Pré must have received them. I do not remember Mr. Caldwell being present. Mr. Grand-Pré shewed me, on the first occasion, a note from the Acting Colonial Secretary, advising him to apply for the books. I refused to deliver them on that occasion, until I should have consulted the Chief Justice; with the exception of those sent away on that occasion, all the books and papers connected with the case are now produced.—*Mr. Masson's Evidence, page 68, Caldwell Commission Report.*

Also to the subjoined extract from Mr. May's evidence before the said Commission:—

I also learned from Mr. Jarman, confirmed by Mr. Grand-Pré himself, that he, the prisoner Ma-chow Wong, had been in Mr. Grand-Pré's house the preceding night, subsequent to the time he had promised me to do all in his power to apprehend him.—*Mr. May's Evidence, page 34, Caldwell Commission Report.*

This portion of the evidence had reference to one of the previous charges, and was brought forward as affording proof of Mr. Grand-Pré's favourable leaning towards Ma-chow Wong.

Mr. Murrow pointed out that although it was stated by Mr. Caldwell at a former Meeting that the return of the books in the Supreme Court was necessary to enable the Hong to carry on business, no such application was made as to the mass of papers which were afterwards destroyed.

Mr. Murrow then referred in further proof of 8th section of Charge 1, (which was under investigation upon the adjournment of the Council at the last Meeting,) to the following extract from Mr. Caldwell's report on Ma-chow Wong's papers printed in the Blue Book:—

Another of the payment to Mr. Caldwell of \$130, on account of Wong Kum Ming.—*Mr. Caldwell's Report on the Examination of Ma-chow Wong's Papers, page 306, Blue Book.*

And to page 39 of Mr. Caldwell's published "Vindication" by which Wong-kum Ming and Wong-kow Man appeared to be the same person. (This was admitted by Mr. Caldwell.)

Also to the following extract from Mr. May's Memo: printed in the Blue Book under "Entries in a rough Memorandum Book":—

26 day, 4 mo., paid on account of Wongkowman of a tor boat, 130 dollars to Mr. Caldwell.—*Mr. May's Memoranda, page 283, Blue Book.*

Also to the following extract from Mr. Caldwell's explanation of that entry printed in the Blue Book:—

The man Wong Kowman chartered, through me, from the P. and O. Company the steamers "Canton" and "Sir Charles Forbes," to accompany Her Majesty's ships in search of a fleet of pirates. When he paid the money, he was 130 dollars short, which I advanced, and as I did not know much of the man, I requested Akee to get the money for me, and this is the entry.—*Mr. Caldwell's Explanation, page 285, Blue Book.*

Also to the following extract from Mr. May's Memoranda printed in the Blue Book:—

27 day, lent to Wongkowman 100 dollars; this boat divided into four shares, of which Wong Akee owns one (this is written in the book); several entries paid on account of gunpowder, shot, and European liquors.—*Mr. May's Memoranda, page 283, Blue Book.*

Mr. Murrow contended that this last entry as it was in the same book as the one before referred to, must have been seen by Mr. Caldwell; and as it was a "suspicious" entry it was Mr. Caldwell's duty to point it out to the Governor. It was also irreconcilable with Mr. Caldwell's explanation of the 1st entry, in which his own name occurred.

Mr. Caldwell explained that he was not allowed to examine all the papers or books, but only such entries in them as appeared to Mr. Mongan to be suspicious. Mr. Caldwell added "I was only assisting him and he would not allow the papers to go out of his hands."

Mr. Murrow then referred to the following extract from Mr. Mongan's evidence in *Regina v. Tarrant* printed in the Blue Book:—

Attorney General. You say further in these depositions that Caldwell called your attention to insignificant items, did he call your attention to significant ones?—*Mr. Mongan.* No.

Attorney General. Now I will read to you Mr. Caldwell's report to the council—"I beg to state that the examination was conducted in the first instance by Mr. Mongan, assisted by his Chinese clerks, and on anything suspicious being found, it was handed to me, and I took down the particulars assisted by one of my Chinese clerks." Now how are we to reconcile this with what you have just now, and before deposed, that it was he, Caldwell, who handed the suspicious documents to you, not you to him?—If you left the searching for suspicious items to him how can you swear you know anything about them in the gross?—*Mr. Mongan.* I did not leave it to Mr. Caldwell; it's all right with exception of your comment on it.—*Mr. Mongan's Evidence, page 355, Blue Book.*

Read the following extract from Ying-loong Tun's evidence before Magistrates in same case, printed in the Blue Book:—

The parcels of books and documents were first untied by Mr. Mongan (in the examination at our office); I do not recollect the date of the examination. As each document came to Mr. Mongan's hand, he glanced at it and handed it to me; if at all of a suspicious character, it was placed by itself; if the reverse, it was put aside. As I inspected each document, I handed it back to Mr. Mongan, who finally sealed up all the papers and sent them to Mr. Wade. The examination took place in our inner office, at a side table. The parties present at the examination, in the first instance, were myself, Mr. Mongan, and another Chinese teacher. This was on the first forenoon. Mr. Caldwell, or his teacher, were not present at all at that first examination. On the afternoon of the same day, Mr. Caldwell's Chinese teacher was present. I am not sure that he himself was. He (Mr. Caldwell's teacher) went to a seat at the table, and examined each document as it came to hand. I do not recollect whether the examination extended over one day or two days. Mr. Caldwell, during the examination, did come into the office; he walked up and down, but never did take a seat at the table. He came in once or twice, but I never did see a document in his hand. He took no active part in the examination, as far as I could see. He can speak Chinese well, but, as far as I know, cannot read it. I was intent upon my own duty in the work in hand, and did not pay much attention to what else was going on.—*Ying-loong Tun's Evidence, page 307, Blue Book.*

Mr. Murrow referred to the following extract from Mr. May's evidence before the Caldwell Commission of Inquiry:—

No. 9.—There were some papers in English in Mr. Caldwell's hand-writing, receipts for wages paid to a man named Beaver, for his services on board a lorcha: some of them said "received from Mr. Caldwell" and some "from Wong Akee." Other receipts for sums paid to other Europeans for similar services; one was to the best of my recollection for a sum paid to Graham. There was one paper directed to a European shipwright of Hongkong—I think Mr. Ross. "Please deliver the bearer some spars, and place the same to my account," signed by Mr. Caldwell. These were dated 1856 or 1857.—*Mr. May's Evidence, page 37, Caldwell Commission Report.*

Mr. May explained that amongst the papers found in Ma-chow Wong's house were certain papers written in English and in Mr. Caldwell's handwriting. There were receipts for wages to a man named Beaver, a man named Bancroft, and another man named Graham—all on board a Lorcha. Some of the receipts said "Received from Wong Akee," some "Received from D. R. Caldwell," but all were in Mr. Caldwell's handwriting. There was an order to Ross for Spars, also in Mr. Caldwell's handwriting. He did not include these in his Memoranda because these Memo: referred only to Chinese documents translated by Tong-Akui. He had no recollection of the dates of the receipts. The seizure was made on 18th July, 1857. In reply to Mr. Caldwell, Mr.

May stated he could not recollect to which of the persons named payments had been made by Mr. Caldwell, and to which by Wong Akee. In reply to Mr. Murrow, Mr. May stated he could not remember whether any of the payments made to Beaver were by Mr. Caldwell.

Mr. Caldwell stated that neither Beaver nor Graham were ever in his employ; Bancroft was, as also a man named Johnson. In reply to Mr. Murrow, he said that the papers described by Mr. May were not seen by him at the examination he made with Mr. Mongan or he certainly would have taken notice of them. He wished to repeat that he had seen those papers to which his attention had been directed by Mr. Mongan.

Mr. Murrow then referred to the following paragraph from Mr. Caldwell's report on Ma-chow Wong's papers, inserted in the Blue Book:—

13. A note written in English, without address, from Beaver, respecting the taking of coolies to Singapore.—*Mr. Caldwell's Report, page 306, Blue Book.*

—and called attention to Mr. Caldwell's statement relative to the Books which had been at the Supreme Court being delivered over to Sum Ahing, head or manager of the Kwong-yek-loong Hong. Mr. Murrow inquired whether the Sum Ahing who was lately convicted for kidnapping was the same man who was mentioned here.

Mr. Caldwell said he was.

Mr. Murrow then referred to the subjoined paragraph from Mr. May's Memoranda inserted in the Blue Book:—

A letter written to Kum Kee, by one named Awee, relative to the slave trade at Singapore and Penang, and having sold so many men.—*Mr. May's Memoranda, page 283, Blue Book.*

Also to letter of Mr. Caldwell of 5th October, covering his report on papers in which Mr. Caldwell said that Beaver was not in Ma-chow Wong's employ and was a pirate. (No. 18 in Appendix as above.)

Mr. May stated, in reply to a question put to him by the Governor, that he distinctly recollected asking the interpreter why he described the transaction as the "slave trade," and he answered because the paper said they had sold so many men. In reply to Mr. Caldwell, Mr. May said he believed the slave trade or any mischief could be carried on at Singapore without the knowledge of the Authorities through the means of the secret societies; that hundreds of Chinese go voluntarily every year to Singapore, but many were also taken there because they were bought.

Mr. Caldwell stated in reply to Mr. Murrow that the Lorcha commanded by Beaver was named the "Kum-hup-oan."

Mr. Murrow pointed out that in Mr. Caldwell's letter of 5th October to Clerk of Councils it is stated at page 4 that when the Lorcha went down to Singapore with Chinese passengers under the command of Beaver, Ma-chow Wong had no share in her, having previously sold out—whereas the paper produced by Boggs at his trial on which he laid so much stress went to show, that on the Lorcha's return from Singapore Ma-chow Wong still owned half of her. (Do. Do.)

Read paper above referred to, commencing "My dear Peapa;" also the following extract from Boggs' evidence before the Caldwell Commission of Inquiry, stating how he became possessed of this letter of date January 4, 1856:— (No. 21 in Appendix)

I got this paper from Beaver himself—it was not his intention to give it to me. We were in two separate boats, and I sent on board his boat for some cigars, and at the bottom of the box which he sent me I found this paper. I could not say in whose handwriting it was, and that is all I know of it. I might have said in the Supreme Court that it was as likely to be in Mr. Caldwell's handwriting as in any one else's, but I could not have said that it was in Mr. Caldwell's handwriting, for I do not know Mr. Caldwell's handwriting. The paper did not mention Mr. Caldwell's name, nor do I recollect the name Samkwei; it was addressed to "Charles Peapa."—*Boggs' Evidence, page 72, Caldwell Commission Report.*

The Colonial Secretary asked Mr. May whether he did not know that it was attempted to be proved on the Caldwell Inquiry that this letter was in the handwriting of Mr. Caldwell—and if so, could not he (Mr. May) have immediately disproved that suggestion. Mr. May said if he had seen the paper he could have done so, but he had not seen it up to the time of the Inquiry having merely, according to Boggs' statement, handed the paper from a tin-box to Eli Boggs in Court.

Mr. Caldwell explained that the letter read was written on 4th January, 1856, and that the "Kum-hup-oan" went to Singapore long subsequent to that date. A regular transfer of Ma-chow Wong's share was made by Mr. Stace before the Lorcha went to Singapore. It was quite a mistake to suppose the "Kum-hup-oan" ever joined the piratical fleet, (Boggs'), although Beaver did. She was destroyed after she had returned from Singapore, having on the way turned pirate and captured several vessels.

Read (at Mr. May's request) letter from Mr. May to Mr. Forth, Acting Colonial Secretary, No. 58 of 2d September, 1858, transmitting papers found on Boggs, and explaining how they were found. (No. 22 in Appendix)

Mr. Murrow then referred, in further proof of section 8 of Charge 1, to the following extract from Dr. Bridges' evidence before the Caldwell Commission of Inquiry:—

I am sure the Attorney General has made a mistake with reference to what the Governor stated concerning the decision about Ma-chow Wong. I think he has been led into the mistake, by not being aware of the papers found on Beaver. I remember the Governor speaking on the subject, and his words had no reference whatsoever to Ma-chow Wong's papers, Mr. May's memoranda, or to Mr. Wade's certificate,—the latter never having existed; but solely to the documents found on Beaver, and which determined the decision of the Council. Mr. Anstey's statement regarding Mr. Wade's conversation with him on the subject of the papers, does not induce me to hesitate in the evidence I have given. It is impossible that he could have said anything of the kind. The translation of Beaver's papers were sent in either in October or November.—*Dr. Bridges' Evidence, page 51, Caldwell Commission Report.*

Also to the following extract from Mr. Caldwell's published "Vindication":—

And yet there is absolutely nothing in the whole contents of Mr. May's memoranda to justify the propagation of a single item of the above charges.—*Mr. Caldwell's Vindication, page 38.*

Mr. Murrow applied to His Excellency to ask Mr. May whether he could point out any items in his Memo: which Mr. Caldwell must have seen. Also, that Mr. May should point out to the Council any portion of his Memo: which prove Ma-chow Wong's guilt.

The Council adjourned to Tuesday, 28th Instant, at noon.

6th Sitting.

TUESDAY, 28TH AUGUST, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and certain corrections made on suggestions of Mr. Murrow and Mr. Caldwell.

o. 23 in Appendix.) Read Letter from Mr. Murrow of 21st August to Clerk of Councils, setting forth the questions which he wished to put to Mr. Cleverly.

o. 24 in Appendix.) Read Letter from Mr. Cleverly in reply thereto, 21st August.

Mr. Murrow referred, in proof of Mr. Caldwell having been the principal party engaged in the examination of Ma-chow Wong's books and papers, and Mr. Mongan only an assistant, to the following extract from Mr. Mongan's evidence before the Magistrates in case of *Regina v. Tarrant*:—

I do not recollect seeing any book with Mr. Caldwell's writing in it. Mr. Caldwell was the principal party in the investigation of these papers; I was secondary. I never saw the books, and had nothing to do with them, until the articles appeared in the "China Mail."—*Mr. Mongan's Evidence, page 306, Blue Book.*

Also to same evidence:—

I wish to state that on the second day's examination, one bundle of papers did pass into the hands of Mr. Caldwell and his teacher without having first passed under my own eye or that of my teacher. This comes to my recollection from the fact that three days after my formal examination closed, I took up that bundle of papers (as well as I can recollect, it was the identical bundle), and looked them over. Deponent being asked what prompted a proceeding so much out of course, states: I did so because I had heard that Mr. Caldwell was trying to obtain a pardon for Ma-chow Wong, and I wished to be able to say, if necessary, that all the documents on which the report was founded had passed under my eye. Mr. Caldwell showed his report, and asked me if it was in accordance with the memoranda which he had taken and exhibited to me on the 5th. I concurred in the report.—*Ibid, page 310.*

Mr. Murrow then requested that before proceeding with the examination of Mr. May upon the subject of his Memoranda, Mr. Caldwell should be requested to explain his statement made at the last Meeting that anything in the papers criminatory of the Kwong-yek-loong Hong would not implicate Ma-chow Wong who was a sleeping partner only.

Mr. Caldwell explained that Ma-chow Wong's only connection with the Hong was that he was to receive one-fifth share of the profits in consideration of his helping the Hong if it should get into any difficulty.

On application from Mr. Murrow the depositions in the Beaver case before the Magistrates, on 27th October, 1857, were ordered to be produced.

Mr. May was then called upon to point out the entries in his Memo: which in his opinion shewed the guilt of Ma-chow Wong, and also the discrepancies between his Memo: and Mr. Caldwell's report, both of which were printed at pages 282 and 306 of *Blue Book*:—

Mr. May said that on referring to Mr. Caldwell's report he found that the entries 5, 7, 8, 10, 11 and 12 (with the exception of the last one) were also alluded to in his Memo. Entry 7 in Mr. Caldwell's report was the same as 11 in his Memoranda. Entry 12 in Mr. Caldwell's report 1st line was the same as the second line in Mr. May's Memo: under head of "entries in a rough Memo: Book" commencing "next day." 2nd line of 12 in Mr. Caldwell's report was same as 4th line in Mr. May's under same head, commencing "26 day 2 guns lent." 3rd line of entry 12 in Mr. Caldwell's report was the same as 5th line in Mr. May's Memo: commencing "26 day 4 mo. paid on account." The entries in Mr. May's Memo: extracted from "a rough Memorandum Book" were 10 in number, 3 of which only, as mentioned above, were to be found in Mr. Caldwell's report, 7 being omitted, several of which referred to Mr. Caldwell and some were of a very suspicious character. As to the evidence to be found in his Memo: of Ma-chow Wong's guilt, Mr. May stated that every item in the Memo: was entered because considered at the time suspicious and shewing Ma-chow Wong's position in the Colony and as generally bearing out what he had asserted Ma-chow Wong to be, namely, a receiver of bribes from gambling houses, being connected with pirates and with those in the Colony who were connected with pirates, a dealer in piratical stores, interested in the land on the opposite shore—the known resort of bad characters and place for deposit of goods stolen from this Colony; and lastly, a person supposed by the Chinese to be in a position to protect persons charged with crime. The first four entries of Memo: bore out Ma-chow Wong's connection with gambling houses. Mr. May knew of the custom here for gambling houses to pay bribes to any one supposed to possess power. These papers were all found in Ma-chow Wong's house. In reply to Mr. Caldwell, Mr. May said he was aware that gambling houses in Hongkong pay to the headmen of the five great districts of the neighbouring province a daily sum which is stated to be for the burial of destitute poor persons, but he had no knowledge that the money was so applied. He believed that Ma-chow Wong was the head man of the Sun-non District.

Mr. Caldwell stated in reply to Mr. Murrow, that gambling was illegal in China but was carried on by means of bribery.

Mr. May then referred to the 5th entry in his Memo: as proving excessive interest, from 7 to 14 per cent per month, and also illegal pawning. In reply to Mr. Caldwell he considered these charges unusually high. He never knew of an instance of as much as 100 per cent charged for a loan for a few days. In reply to Mr. Murrow, believed illicit pawnbrokers do get a very large interest and stolen goods would be more likely to be taken to illicit pawnbrokers.

The 6th entry referred to the purchase of provisions with *ancient* cash. The word "ancient" indicated something which no one could explain.

7th entry referred to payments of fees to Mr. Stace, shewing that Ma-chow Wong was the medium of communication between certain persons and Mr. Stace, who was in the habit of defending persons charged at the Police Court with Piracy.

8th entry, Mr. May considered suspicious as shewing that Ma-chow Wong was agent for the recovery of a boat from the Mandarins by means of bribery.

9th entry referred to a large amount of *ancient* cash received.

10th entry, payment to a lawyer.

11th entry was referred to in Mr. Caldwell's report, and appeared to Mr. May to connect Ma-chow Wong with the Kwong-yek-loong Hong.

12th entry, a bill for Cherry Brandy, Sherry, &c.

13th entry was referred to as showing that Awee and Beaver had both written to Ma-chow Wong from Singapore; Awee about the slave trade, and Beaver as described by Mr. Caldwell in para. 13 of his Report "the taking of Coolies to Singapore."

16th entry, a payment of \$25 by Afoo to a lawyer.

Mr. Caldwell was asked whether he knew of any person of the name of Afoo connected with Ma-chow Wong. Mr. Caldwell said he knew of a cake-seller of the name of Afoo who was convicted before Mr. Mitchell for levying the commission which Ma-chow Wong used to levy before the Market Ordinance was passed.

18th entry, a letter of money lent to Chui Akwei "a celebrated pirate."

Mr. Caldwell pointed out that as there was no date to the entry it was impossible to say whether Chui Akwei was at that time a pirate. He wished here to mention also in reference to Mr. May's denial on a previous day that Chui Akwei had ever been arrested, that he (Mr. Caldwell) had since ascertained that Chui Akwei had been apprehended on the 26th January, 1856, the same day that Ma-chow Wong was arrested for obstructing the Police.

Mr. May explained that he was mistaken in asserting that Chui Akwei had never been apprehended. He had this morning learned that he had been apprehended as stated by Mr. Caldwell. The facts of the case were these: Chui Akwei was a known bad

character. Another man came down here with money in his pocket to buy arms for the pirates. A scheme was concocted by Chui Akwei to make the police either tools or accomplices. Mr. May thought they were the latter. Two Chinamen of whom Chui Akwei was one and two constables went to a brothel where the pirate was. The Constable seized the Pirate, and Chui Akwei and his companion took away from him a bag containing money—more than \$100. The Chinamen ran away leaving the Constables with the Pirate. The Constables then wanted to get away, but the Pirate clung to one of them which led to their all being taken to the Police Station. The Pirate in the position of complainant against the Constables for robbing him. The next day or a few days after, Chui Akwei was seen at Ma-chow Wong's by another Policeman, and then it was that Ma-chow Wong was apprehended for obstructing the Police. Ma-chow Wong was bailed by Mr. Caldwell. The two Constables were in Jail at this time under remand. The next day the conversation he had, before referred to, with Mr. Caldwell must have taken place. Chui Akwei was apprehended same day; and identified by the Pirate who had been robbed as one of the two Chinamen who had been with the Police. Chui Akwei appeared next morning before Mr. Hillier, but there the witnesses said they could not identify him. The two Constables, who were in custody said he was Chui Akwei and the man who went with them to the brothel. Mr. Hillier liberated Chui Akwei on heavy bail to appear any time within 12 months. The Constables were committed to Supreme Court, but no witnesses appearing, were discharged. Mr. May stated that he could name fifty cases in which the ends of justice had in a similar way been defeated by the buying of or tampering with witnesses. Mr. May stated in reply to Mr. Caldwell that a man could be seen from a window in Ma-chow Wong's house as stated by the Police, that he had satisfied himself of the fact at the time by personal inspection of the premises. Mr. Caldwell stated that he had also examined the place in company with Mr. Stace, and that they were both satisfied that the statement of the Policeman who said that from the street he saw Chui Akwei at Ma-chow Wong's window was untrue.

Council adjourned to Thursday, the 30th Instant, at noon.

7th Sitting.

THURSDAY, 30TH AUGUST, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, corrected, and confirmed.

In reference to the conflicting statements made by Mr. May and Mr. Caldwell at the close of the last Meeting as to the circumstances connected with Ma-chow Wong's arrest for obstructing the Police, Mr. Murrow referred to the subjoined extract from Mr. May's evidence before the Caldwell Commission of Inquiry:—

I went to the market to make personal inquiry and examine the place, and on my way back to the Station met Mr. Caldwell coming down the hill in great haste and visible anger. He immediately accosted me with exclamations of the shame of the arrest of Ma-chow Wong, and saying, "You think you've got him safe now." I recollect telling him that I had nothing more to do with Ma-chow Wong than any one else, and that he must be arrested if he hindered the police in the execution of their duty. Mr. Caldwell said, "I suppose you will let me bail him." I assented to this, and Mr. Caldwell did bail him, giving his personal bail. Ma-chow Wong appeared next morning at the Police Court. Mr. Mitchell was the sitting Magistrate. I heard at the time that Mr. Caldwell was present at the investigation. I was not there, Ma-chow Wong was discharged.—*Mr. May's Evidence, page 39, Caldwell Commission Report.*

Upon the application of Mr. May, the depositions taken before the Magistrates in the cases of Afoo and another for extortion in the market were ordered to be produced.

Upon application from Mr. Murrow, the affidavits before the Acting Chief Justice in Chambers in the case of Afoo v. Mitchell were ordered to be produced.

Mr. Murrow applied that at some future Meeting Mr. Rozario might be summoned to give evidence as to Afoo.—Clerk of Councils instructed accordingly.

Mr. May then proceeded with the review of his Memo: which had been interrupted by the adjournment of the last Meeting:

19th entry was suspicious as shewing the purchase by Ma-chow Wong of a large quantity of powder from an illicit maker—also the sale of sulphur to same shop.

20th entry was a note of money borrowed from Mr. Stace by Wong Acheong.

21st entry, connected Ma-chow Wong with the Lüen-loong shop, which was the shop that purchased the Sugar in the May Sugar Case. It was a shop also that was constantly in the habit of giving security for pirates in doubtful piracy cases. The principal partner in this shop however was examined touching this entry by the Police Magistrate and stated that he never had any such transaction with Ma-chow Wong—and did not know him. Mr. Caldwell also stated in reference to this entry that the Chinese language would not, except in a very round about way, admit of any such expression as “dividing between the two.”

24th entry, connected Ma-chow Wong with the Tai-loong shop—the owner of which was convicted with Ma-chow Wong. Mr. Murrow stated that there was not one single proper mercantile entry in these Memo: The Chinese keep their books beautifully.

25th entry, showed Ma-chow Wong’s supposed influence with the Authorities which was applied for on behalf of two men charged with stealing silk.

36th entry, showed money transactions between Mr. Caldwell and Ma-chow Wong in 1851 and 1852; but Mr. Caldwell denied the correctness of the date, and stated that he had no transactions with Ma-chow Wong, except when Ma-chow Wong was acting for a short time as his Comprador—until after he had left the public service. The entry referred to the building of houses which Ma-chow Wong superintended for Mr. Caldwell, and for which Ma-chow Wong purchased the materials. These houses were built in 1855. The only advantage which Ma-chow Wong obtained for his trouble, as far as Mr. Caldwell knew, was the putting in a relation as caretaker at \$5 per month.

In reference to entry 37, Mr. Murrow contended that there must be accounts current in the possession of Mr. Caldwell which would show the cost of the goods shipped in Lorchas to Honan, and the proceeds of their sale, as the goods were all purchased by and part were sold through Messrs. Siemssen; and that such accounts if in existence would test the correctness of such entries as No. 37 and similar ones. Mr. Caldwell stated he got no other paper from Messrs. Siemssen except a statement of the dividends paid to his creditors when he compounded with them. He kept no accounts himself, but he had lately come across a pencil Memo: of the house-building transaction with Ma-chow Wong which he would produce at the next Meeting.

Entries 38 to 42, all related to the purchase of guns, gunpowder, and stink pots in large quantities. Mr. Murrow pointed out that it was illegal to sell these things without Magistrate’s license.

Entry 45,—Mr. May pointed out that this was a very important entry as connecting Ma-chow Wong with the Hong (the Wun-loong) principally engaged in the gold dust robbery case. Mr. May gave a description of the mode in which the Piracy was planned and carried out; and of the subsequent rendition of the gold dust to some of the Emigrants from whom it had been plundered. The statement was to the same effect as the following extract from Mr. May’s evidence before the Caldwell Commission of Inquiry:—

Another instance is that connected with the Gold Dust Robbery, a piracy committed in the vicinity of Hongkong, in 1856, in which about \$5,000 or \$6,000 worth of gold dust was plundered from some returned emigrants. There were some European, and some Chinese prisoners in the case; they were tried in the Supreme Court and convicted. About \$1,000 worth of gold dust was found in the possession of different prisoners, and remained in the hands of the Police. It was a very difficult and complicated case; the Chinese concerned in it were men of considerable influence and wealth, and but for the zealous assistance given to me by Tong Akü, I am certain the case would not have arrived at a successful termination. I had great difficulty in getting witnesses to speak as to the identity of certain prisoners, and the actual losers of the gold dust—the returned emigrants—although repeatedly written to, and the case remanded from time to time in order to obtain their evidence if possible, persisted in non-attendance. It was stated to me during the progress of the case, and has been stated to me since, and I think Assow the Police Court Interpreter can say more, shewing that there was some connection between some of the prisoners in the gold dust robbery and Ma-chow Wong. The \$1,000 worth of gold dust in the hands of the police taken from the prisoners remained in the same custody after the conviction, until some months subsequently I got an intimation from the Acting Colonial Secretary, that a petition had been presented through Mr. Caldwell, for its delivery to certain of the returned Emigrants, from whom it had been plundered. I immediately waited upon the Acting Colonial Secretary, and told him that I considered that as these men had in no way rendered assistance in the conviction of the prisoners, in fact had purposely stayed away after their presence had been demanded, that in reason they ought not to receive the gold dust, and secondly that they had no legal right to it. Much more was said, but this was the purport of it. I urged strongly that the property should not be given up, as it would be a dangerous precedent. I was over-ruled, and I then asked permission to deliver the gold dust to Mr. Caldwell, so that upon his shoulders should rest the entire responsibility of its rendition to the claimants. This was assented to, and I subsequently delivered to Mr. Caldwell at the Central Police Station the whole of the gold dust excepting a very small quantity—7 taels,—which was reserved for certain of the boat people who had had it in their custody, and been actually witnesses in the case. When I so delivered the gold dust to Mr. Caldwell, I observed to him, “I am indignant at this proceeding—there is the gold dust; I wash my hands of it altogether; I think you will have very great difficulty in finding out whether they are emigrants or not, but it rests upon your shoulders.” Mr. Caldwell replied, “I’ll take very good care to obtain good security, but at all events Jack will take care of me.” By Jack, I knew he meant Ma-chow Wong. At that time I was standing in the Registration office at the Central Police Station, and saw Ma-chow Wong come into the office with five or six Chinamen, whom I understood to be the recipients of

the gold dust. Some short time afterwards, I got a note (*R*) from Mr. Caldwell, asking me to give him the remaining seven taels of gold dust, and I did so. I sent an order I think to Mr. Grand-Pré, to deliver the seven taels to Mr. Caldwell. About a month subsequent to the apprehension of Ma-chow Wong, a Chinaman presented to me as sitting Magistrate a Chinese petition. This was interpreted to me by, I believe, Tong Aki, to the effect that the petitioner was one of the emigrants who had been plundered at the gold dust robbery,—that neither he nor any of the real emigrants had ever received one fraction of the gold dust, which he understood had been recovered from the pirates—that he had been told that certain men had falsely represented themselves to be the emigrants,—that these men had been obtained by Ma-chow Wong each of them had received a small amount, but that the bulk of the gold dust went to Ma-chow Wong, Mr. Caldwell's servant, and Mr. Caldwell. I asked the petitioner whether he had been deputed by the other emigrants to make this representation. He said that he had, and that they had given him a letter stating what he had represented in his petition. I asked him to produce this letter; he said he had not got it with him, but he could get it. I then told the man that there could be no difficulty as to ascertaining whether the men who had received the gold dust were the real emigrants or not, because I was aware security had been taken for them. I said "You go to Mr. Caldwell with this note," which I then gave him, "and if you are not satisfied with what is stated to you by Mr. Caldwell, come back to me with the letter you speak of, and when I have that, an investigation shall be made." The man went away with my note; he returned bringing me a note (*S*) from Mr. Caldwell, which stated that Mr. Caldwell could not satisfy the man, because the security papers which he had taken were in the office of the Superintendent of Police. Owing to the security papers not being found in the office of the Superintendent of Police, I directed the man to come again on a subsequent day, being careful to bring the letter with him; but he did not again make his appearance. My belief is that the security papers were not deposited in the office of the Superintendent of Police; they were not given to me, and to the best of my recollection I never saw them.—*Mr. May's Evidence, pages 38 and 39, Caldwell Commission Report.*

Read also the following extract from Mr. Caldwell's evidence on this subject before the Caldwell Commission of Inquiry:—

With regard to the gold dust case, and the securities given in connection with it, even Mr. May himself will I think now admit, that his original evidence on the subject was incorrect. Instead of Mr. May handing it over to me with strong moral observations, and in the presence of Ma-chow Wong, Mr. Grand-Pré is proved to have given it to me when both Mr. May and Ma-chow Wong were absent. I am certain that Ma-chow Wong had nothing at all to say to the matter. The question as to whether the gold dust should be appropriated by the Government, as suggested by Mr. May, or handed over to certain petitioners, having been decided by His Excellency the Governor, I simply obeyed the instructions I received. But with regard to the subsequent applicant, it may not be useless to observe, that he came to my office, that I sent for two of the securities—Apang and Foong-shan, and that upon inquiry it came out that he had lost dollars at the time of the piracy, but had never been possessed of any gold dust at all. Mr. May constantly sees Foong-shan at the Supreme Court, where he is Shroff. Mr. May knew that Foong-shan was one of the securities, as I gave Mr. May the security papers myself, and therefore a very little investigation on Mr. May's part would have spared the Commission much needless trouble on this point.—*Mr. Caldwell's Evidence, page 92, Caldwell Commission Report.*

Read also 'Ng-mun Sow's evidence on the same subject:—

'NG MUN-SOW, Interpreter at the Police Court,—Recalled.

I remember two boats being seized off the central part of the town, and Po-Pak-Shing being seized on a charge of piracy connected with them. After several remands the witnesses for the prosecution were not forthcoming, because I believe of some money being offered to them, which I have heard of from Sergeant Silva and others.

I remember the gold dust robbery. I do not know that the prisoners brought up were in any way connected with Ma-chow Wong. I have been interpreter at the Police Court, I think, about four years. During this time I have seen a great number of cases in which persons have been charged with piracy. I don't recollect seeing Ma-chow Wong himself in the Court, but have seen his friends who were interested in the cases come up. I know some men who were generally employed by him as messengers. If there was any case in which a lawyer was engaged, and if the lawyer was not in time, these men went for him. This was in cases where men were charged with piracy. I remember also these persons offering themselves as bail for persons charged with piracy. Mr. Stace was the lawyer who used generally to attend. I know Po-Pak-Shing from what I heard to be a notorious pirate. I was in the Police Court when a Chinese petition was brought by some men, who stated that they were the real emigrants, regarding the return of the gold dust. Mr. May was sitting Magistrate, and I was interpreter. I interpreted the petition to Mr. May, but do not now recollect its contents. I recollect the man saying, that he was authorized to come and receive the gold dust. I think Mr. May sent him to Mr. Caldwell, and also asked him about the letter authorising him to come. He went to Mr. Caldwell, and I have no recollection whether he came back or not. I don't recollect whether Mr. May gave him a note to take to Mr. Caldwell. The gold dust was given over by Mr. Caldwell.

I remember the Stanley treason case, and a number of people coming from Stanley, in June 1857, to the Magistracy compound with a complaint that the traitor was going to be hanged.

I was there when they came, but do not recollect having any conversation with them. I don't recollect their making loud complaints. I heard that they were willing to give about \$850 if the man should be released. I did not hear this from them, but from men in the town. What I heard was that they were willing to expend this money in getting his release. I did not hear in what way—nor whether it was to be given to any person. I was not the interpreter in the case, and the men did not speak to me, as they would have done had I been.

I think it was Lün Loong and Sei Hing who bailed Po-Pak-Shing, and the other prisoners. These two were shops with which Ma-chow Wong had something to do. I think there was no doubt, that Ma-chow Wong knew of Po-Pak-Shing being a notorious pirate. I have heard that Mo-Mee-Ma, also is a very notorious pirate. Shan-tung Wei and Tai-fai Woot were notorious pirates, and were once charged with piracy before the Magistrate. In both cases I think the prosecutor was absent. It is difficult for me to state from my own knowledge what connection there was between these pirates and Ma-chow Wong.

I know that Shan-tung Wei said to one of his relations who is residing in the town, that he gave \$500 to Ma-chow Wong, and yet he said he could not get back his boat. I know the case of a man being apprehended for stealing a watch from Mr. Lapraik. The arrest was by Mr. Caldwell. Lün Cheong, the prisoner, said that during Ma-chow Wong's investigation at the Magistrate's Office, Ma-chow Wong's family was living with him. One day he went home and said to Ma-chow Wong's wife, that very likely Ma-chow Wong's case would be committed to the Supreme Court, and that Ma-chow Wong's wife was not pleased; he also said that some of the Sunon men had petitioned on behalf of Ma-chow Wong, and had gone round the town, to get shops' signatures; that he himself being a native of Sunon refused to go to get signatures. Because of this he says Ma-chow Wong's wife had an ill-feeling towards him; he said he believed that Ma-chow Wong's wife herself complained to Mr. Caldwell, and for that reason he believes that he was prosecuted.

I have heard from Kwei-Ch'oi, a Chinese female, that she was sent for by Mrs. Caldwell. Mrs. Caldwell said, "people are saying that you gave me a gold bangle. Did you give it me or not?" Kwei Ch'oi, replied that she had not given her one. I have not heard of any other person being sent for.

Cross-examined.—I went to Kwei Ch'oi's house on the occasion I speak of. I visit her now and then. I think this was about a fortnight ago, but I heard the report from several other women before. I did not go to her house for the purpose of questioning her about this. I asked her whether she had put a gold chain into a loaf of bread, and sent it as a present to Mrs. Caldwell. She said "No." I asked about the gold chain, because I had heard of it. I haven't heard about the intimidation of witnesses who were to appear before this Commission, but judge from my own arrest. I told Mr. May when asked that I was afraid to come before the Commission to say anything against Mr. Caldwell; if I should, no doubt I would get into trouble. I also heard that a man conversing with another said, "I hear that Assow is going to give evidence against Mr. Caldwell; if he should, he will not get clear off himself." This man was the Chinese Sergeant of Police, Lo Ahing. I think it was about the beginning of last month that I was arrested.—*Ng Mun-Sow's Evidence, pages 79 and 80, Caldwell Commission Report.*

Mr. Caldwell said he never did use the expression as to "Jack," given in Mr. May's evidence. It was an invention of Mr. May's and he contradicted it in the strongest terms.

Mr. May repeated that he was quite confident he was correct. His recollection was quite clear on the point.

The Clerk of Councils was directed to search for the petition praying for the rendition of the gold dust, but reported that it was not amongst the Government Archives, nor could he find any order for the giving up the gold dust. He was directed to request Dr. Bridges' attendance at the next Meeting, and the Council adjourned to next day at noon.

8th Sitting.

FRIDAY, 31ST AUGUST, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Dr. Bridges attended for the purpose of giving explanations relative to the return of the gold dust to the persons claiming it as being the emigrants from whom it had been stolen. Mr. May's statement of the circumstances connected with the rendition as given by him before the Caldwell Commission was read, and Dr. Bridges stated that he remembered a Petition being presented, and that Mr. May attended at the Colonial Secretary's Office and made representations to the effect stated. He had no doubt that he pursued the usual course of taking the Governor's directions, but he had not the slightest recollection of the circumstances, or whether Mr. Caldwell did or did not interest himself in the matter. He never understood the identity of the petitioners with the emigrants who had been plundered to be questioned, and thought he ordered the gold dust to be returned simply because he differed with Mr. May in opinion that the non-appearance of the emigrants as witnesses when summoned was sufficient to justify the withholding of their property.

Read extract from Mr. Caldwell's letter to the Clerk of Councils of the 5th October, 1857, as to the return of the gold dust. (No. 18 in Appendix as above.)

Mr. Caldwell stated that he believed he gave the security papers in the gold dust case to Mr. May, that he put them under his tray on the table in his office at the Police Station. That after examining all his papers he could find nothing but the authority from the ten men who were absent to the ten others to receive their share. There was on this paper an entry in the handwriting of the shroff as to Mr. May being present when the gold dust was handed over. (No. 25 in Appendix.)

Mr. May denied that he had ever seen the security papers or ever had anything to say to them. He said he was not present when the gold dust was returned to the petitioners—and he called attention to the fact, that Mr. Caldwell never at the time of the Inquiry before the Caldwell Commission, or in his "Vindication" printed subsequently,

denied in direct terms the correctness of the statement made by him (Mr. May) as to the remark of "Jack taking care of him."

Mr. Caldwell stated that he had throughout contended that Ma-chow Wong had nothing to do with the affair. He stated also in reply to a question put by the Governor, that he filed and preserved all petitions and had done so ever since he had been in office. So far as he knew, this petition as to the gold dust was the only one that was missing. He was now endeavouring to get at his own expense some of the emigrants to prove that they received the property, and that no part of it was given to him or Ma-chow Wong.

A variety of explanations was then entered into by Mr. May and Mr. Caldwell as to the return of the gold dust and the distribution of the reserved 7 taels amongst the boatmen—and also as to the custody of the security papers.—Mr. Caldwell contending that he had given them to Mr. May, who on his part insisted he had never seen them.

Mr. May then resumed the examination of his Memo.—Entries 46 to 54 were all connected with the purchase in large quantities of arms and ammunition.

Entry 55 connected Ma-chow Wong again with the Wun-loong Hong—the head of which had been, as before stated, one of the principals in the gold dust robbery.

No. 56 shewed the sale of cannon shot—this entry appeared also in Mr. Caldwell's report.

Nos. 58 to 63, all shewed Ma-chow Wong's interest in land on the opposite shore.

No. 67 proved sale of Opium without a license.

No. 70 connected Ma-chow Wong with the "Kee-loong-poo-oan" Lorcha belonging to Mr. Caldwell.

No. 76 again connecting Ma-chow Wong with the Lüen-loong shop; and together with

Entry 77 showing Ma-chow Wong's position in the Colony, his supposed influence with the authorities, and connection with bad characters.

No. 80 was a petition for a boat to be given up, which had been captured by one of H. M. Steamers. Mr. Murrow stated it was this entry that led him to infer that Wong-kow-man in entry 30 was a man of straw, set up by Ma-chow Wong as the owner of captured property.

No. 81 was a petition asking for assistance to capture Rebels who had committed piracy and murder.

No. 83 connected Ma-chow Wong, Foong-hok-shing, and Mr. Caldwell in some transactions amounting to \$1,500.

The subjoined explanation of this entry as given by Mr. Caldwell in his "Vindication" was read—

The last imputation Mr. Anstey throws out is that of "a transaction binding a Chinaman of Hong-kong, who has a suit for lands there, to make them over (if the suit succeeds) to the party conducting the suit (that is to say Mr. Caldwell) for the sum of 1,500 Dollars out of which Mr. Caldwell though not a lawyer certainly, may also retain to himself the sum of 500 Dollars for costs."

Now let us look at the entry in the memoranda made by Mr. May upon which this broad and circumstantial statement is founded. It is as follows:

"A red paper of \$1,500 transactions between Foong Hok Sheng, Wong Akee and Mr. Caldwell."

This is the whole of the entry. The paper itself, it seems, was not translated, but had it been so, it would have been found to contain the particulars of the transaction I have already referred to, namely, the negotiation for the purchase by me of a piece of ground from a man brought to me by Wong Akee. This man (Foong Hok Sheng) was the owner of a piece of ground in the lower bazaar which he wished to dispose of. I had agreed to purchase it and to pay \$1,500 of the purchase money in advance, and the balance on the completion of the transfer, and I requested Wong Akee to have an agreement drawn up to that effect. Finding afterwards that it would be necessary for Foong Hok Sheng to commence a law suit to eject the tenant, I paid only 500 Dollars, and the "red paper" referred to in Mr. May's memoranda was probably the draught of the first agreement, as I subsequently obtained another for the 500 Dollars. The statements as to my "conducting the law suit," and the retention by me of "500 Dollars for costs," are pure inventions either of Mr. Anstey, or his accomplice, Mr. May.—*Mr. Caldwell's Vindication*, page 39.

Mr. May called attention to the following account of this paper as given by him from memory before the Caldwell Commission of Inquiry:—

No. 8.—A paper which was written to this effect, "An agreement between some man in the lower bazaar, Ma-chow Wong, and Mr. Caldwell, that if the lower bazaar man was successful in an ejectment case, the property was to be sold to Mr. Caldwell for a certain sum of money, I think \$1,000—of which certain sum \$500 were to be allowed as expenses of the suit, the remainder of the purchase-money going to the vendor."—*Mr. May's Evidence*, page 37, *Caldwell Commission Report*.

Mr. Caldwell stated in reply to a question from Mr. Murrow, that he had nothing to do with getting up the case of *Afoo v. Mitchell*, nor to his knowledge did Dr. Bridges

take up the case without fee or reward. He produced the pencil memo. of the house building transaction with Ma-chow Wong, referred to at last Meeting.

2ND CHARGE.

Mr. Murrow then proceeded with his second Charge—"With having procured the restitution of the pirate's property after his conviction, and having also obtained an order for the delivery of the books and papers from the Supreme Court, on which the pirate was convicted."—He stated that the papers which were said to be required to carry on the business of the Hong were in 4 batches and referred to 4 Establishments; and this latter fact was confirmed by Mr. May. He then referred to the subjoined extract from Mr. Grand-Pré's evidence before the Caldwell Commission of Inquiry:—

I remember going to the Supreme Court on the 5th February this year, and getting from the Registrar 8 of the books of the Kwong Yik Loong shop. I had something to do at the Supreme Court that morning, and called in at Mr. Caldwell's office to pay him a visit; as I walked in he said, "You are the very man I want to see;" he said "here's an order from the Acting Colonial Secretary to deliver up the books and articles taken from the Kwong Yik Loong shop to the Police Station."—*Mr. Grand-Pré's Evidence, page 69, Caldwell Commission Report.*

Also to the following extract from Mr. Jarman's evidence before the same Commission:—

Mr. May gave me orders regarding taking charge of the books and papers, as I had seized them. There was some money and boxes of clothing belonging to the Kwong Yik Loong shop remaining in the custody of the Police, after the books and papers were sent up to Government Office. Mr. Grand-Pré had charge of this property. Mr. Grand-Pré ordered it to be given up. He gave up the dollars and the clothing to a man who was clerk at the Kwong Yik Loong shop, and who was tried with Ma-chow Wong. Mr. Grand-Pré personally delivered up the dollars. I did not see him deliver up the clothing. There were one or two Chinese with this clerk. Before the property was delivered up, Mr. Caldwell came to the charge-room window with a petition, and asked me if Mr. May was in his office, and said that the man—pointing to this clerk—was come after the property, or something to that effect; at all events the property was given up. I think Mr. Caldwell went to Mr. Grand-Pré or Mr. May. Mr. Grand-Pré came out of his office afterwards. I think that as soon as he had had the conversation with Mr. May or Mr. Grand-Pré, Mr. Caldwell went away. I should like to correct my statement, that Mr. Grand-Pré had all the money. I had \$10 myself, which I delivered up to Mr. Grand-Pré, on the occasion of the money being given up. I found the \$10 in one of the boxes, and shewed them to Mr. May at the time, and kept charge of them until the property was given up.—*Mr. Jarman's Evidence, page 71, Caldwell Commission Report.*

Also to the subjoined extract from Mr. Kingsmill's evidence before the same Commission:—

I asked the Acting Colonial Secretary what was to be done with the property at the Kwong Yik Loong shop, and the other property belonging to Ma-chow Wong. He said it would be an interminable thing to find out who was the owner of it; that amongst the multiplicity of witnesses, some of them conflicting, no jury could come to a conclusion what was the convict's property, and it was not worth while taking any notice of it. I don't know what was the value of the property. Mr. May, or some one, told me it was his impression that Ma-chow Wong was a very wealthy man. I think the last day of the trial Mr. May asked me regarding the disposal of the property. I think I told him to leave a policeman there as long as he could, and I would see about it, and the result was that I saw the Acting Colonial Secretary.—*Mr. Kingsmill's Evidence, page 63, Caldwell Commission Report.*

On Mr. Murrow's application the Clerk of Councils was requested to produce a letter written by Mr. Anstey to the Acting Colonial Secretary on his return from Calcutta, in reference to the return of Ma-chow Wong's property and papers.

The Council then adjourned to Wednesday, the 5th proximo, at noon.

WEDNESDAY, 5TH SEPTEMBER, 1860.

In consequence of the absence of the Chief Justice on judicial business, the Meeting of the Executive Council which stood adjourned for this day, was postponed *sine die*.

9th Sitting.

MONDAY, 17TH SEPTEMBER, 1860.

The Executive Council met to-day at noon by special summons.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, corrected, and confirmed.

The Clerk of Councils stated that he had searched for the letter from Mr. Anstey, asked for at the last Meeting by Mr. Murrow, but had not been able to find it.

Mr. Murrow applied to be furnished with copies of documents produced by Mr. Caldwell—for example, the pencil Memo: as to the cost of building houses, and the Chinese paper purporting to be an authority from the absent Emigrants to pay their share of the gold dust to the Emigrants who were present. The Council decided that any document referred to as evidence by any witness should be handed in—and that so much as may have been read in evidence may be inspected by any person on the order of the Council. Mr. Caldwell was informed, however, that he was at liberty to withdraw his paper if he pleased to do so, and that in that case the evidence upon it would be expunged. Mr. Caldwell decided upon handing it in.

26 in Appendix.)

It was then ordered that Mr. Murrow may inspect so much of the document handed in by Mr. Caldwell as was read in evidence.

Mr. Murrow then referred to Mr. Caldwell's statement at the last meeting, that Ma-chow Wong had no share or interest in the building of the houses except the finding of the caretaker, and argued that it was inconsistent with the following evidence given by Mr. Caldwell before the Caldwell Commission of Inquiry:—

I employed Ma-chow Wong to build five houses for me in Taipingshan, and provided him with the funds as they were required from time to time.—*Mr. Caldwell's Evidence, page 90, Caldwell Commission Report.*—

and also with the following statement made in his published "Vindication":—

I authorized Wong Akee to receive the money and apply it towards the building of the houses, he having about that time applied to me for further advances.—*Mr. Caldwell's Vindication, page 40.*

Mr. Murrow stated that he wished to make some further remarks in reference to the gold dust robbery case, but he deferred his observations on this subject on hearing that Mr. Caldwell had succeeded in finding some of the Emigrants who it was stated would be forthcoming in a few days.

Mr. Murrow requested to be permitted to add to his evidence, in support of Charge 1, the following extract from Mr. Jarman's evidence before the Caldwell Commission of Inquiry:—

I have seen Ma-chow Wong at Mr. Caldwell's house on three or four or more occasions. I have seen him on various occasions. I think I recollect, on one occasion when Mr. Caldwell was very sick, that he went up stairs to Mr. Caldwell's room. I have never seen anything in their demeanour towards each other which would warrant me in saying they were intimate as friends. I remember Mr. May and Tong Aki making an examination of the Ma-chow Wong papers.—*Mr. Jarman's Evidence, page 71, Caldwell Commission Report.*

Mr. Murrow then referred again, in reference to Charge 1, to the last entry in Mr. May's Memo: as to the purchase by Mr. Caldwell of a disputed title,—to p. 37 entry No. 8 of Caldwell Commission Report,—to p. 39 of the "Vindication" from "Finding afterwards" to "Tenant" (all of which had been quoted at the last Meeting) and applied for the production of the papers in this case shewing the proceedings in the Police and Supreme Courts. Papers ordered.

Mr. Caldwell stated in reply to Mr. Murrow, that he employed Mr. Cooper Turner on behalf of the claimant whom he took to Mr. Cooper Turner, and he informed Mr. Cooper Turner at the time that he had agreed to purchase the property.

CHARGE 3.

Charge 3 was, upon Mr. Murrow's application, postponed to next Meeting.

CHARGE 4.

Charge 4 was withdrawn.

CHARGE 5.

Charge 5 was then gone into—"With being in the habit of inducing British men-of-war upon the sole information of Ma-chow Wong to destroy piratical squadrons, there being evidence to prove that the said pirate was actuated by peculiar motives of his own, and that the power he thus possessed of evoking the assistance of men-of-war greatly added to and strengthened his piratical influence."—Mr. Murrow based this charge upon the following passage in Mr. Caldwell's letter to the Clerk of Councils of 5th October 1857:—

(No. 18 in Appendix as above.)

It would be difficult for me to state all the cases in which I have been concerned, whether in the capture of Pirate vessels, or of offenders in the Colony, wherein I derived my information from Akee; but I may with safety say that in six cases out of ten he has assisted me.—*Mr. Caldwell's Letter to Clerk of Councils, dated 5th October, 1857.*—

and referred, in further proof, to the 3rd, 4th, and last paragraphs of Mr. May's letter of 20th July 1857, published in the Blue Book; namely:—

I may premise that I was present at the Supreme Court when Eli Boggs made his defence, the summary of which is, that he accused Wong Akee of having a direct complicity with many piratical enterprises in the vicinity of Hongkong; of furnishing provisions, arms, and ammunition to the said pirates; of giving information to such pirates as are under his protection of the movements of Her Majesty's ships against them; of making himself the arbiter of the fate of all pirates, by either giving them protection, and necessarily deriving profit from it, being their agent in Hongkong, or launching against them the British naval power; and, lastly, that he, Wong Akee, was enabled to do this because of his connexion with Mr. Caldwell, who by his position under Her Majesty's Government enabled Wong Akee to work his schemes, and that Mr. Caldwell's name was put prominently before the pirates as their protector, or the reverse.

His Excellency will doubtless perceive that, if these accusations be true, there is a bond of union amongst those connected, which accident alone can bring to light; and although there is floating on the minds of the Chinese community a general knowledge and belief of the accusations, that no direct intelligence can be obtained from them, there is undoubtedly a common feeling that Wong Akee, *alias* Ma-tsow-Wong, has immense power, which he wields for the protection of his friends and the destruction of his enemies, and that he derives this immense power from Mr. Caldwell.

In conclusion, I conceive it my duty to Her Majesty's Government to remark that it is beyond doubt a fact that Wong Akee is a notorious vagabond, his name a terror to the Chinese community, who believe him to have great power, although a confederator with pirates, and that the Chinese community believe him to derive his power from Mr. Caldwell; and it is no less beyond doubt that he, Wong Akee, has a remarkable influence over Mr. Caldwell's opinions, which I unhesitatingly say is not beneficial to the public.—*Mr. May's Letter, pages 70 and 72, Blue Book.*

Also to the following passage in Mr. Davies' letter to the Acting Colonial Secretary, (No. 16 in Appendix as above.) No. 32 of 16th August, 1858, (not published in Blue Book):—

I sat as examining Magistrate in both the charges against Ma-chow Wong. I investigated as Magistrate the two charges against Tong Akü one of "the Interpreters lost to this department," and I could not shut my eyes or ears to the doings and sayings of the large and interested audience, which led me to conclude that in their opinion the charge against Akü was owing to the hostility of Ma-chow Wong and Mr. Caldwell:—it was to me that Akü wrote when he resigned his post, giving as the reason of his resignation the supposed hostility of Mr. Caldwell.—*Mr. Davies' Letter to Acting Colonial Secretary, dated the 16th August, 1858.*

Also to the following extract from Mr. Dixon's evidence before Caldwell Commission of Inquiry:—

I may say, that, as a friend of Mr. Caldwell, it has vexed me exceedingly to see his connection with such a man, and I have repeatedly spoken to him on the subject. On one occasion, the last before Ma-chow Wong's apprehension, I said, "Depend upon it, you will rue the connection with such a scoundrel." Mr. Caldwell's reply was "Oh, you can frequently turn rogues to good account," or something to that effect. He thought that he was using Ma-chow Wong as a tool, and I thought that Ma-chow Wong was using him.—*Mr. Dixon's Evidence, page 8, Caldwell Commission Report.*

Also to the following extract from Mr. May's evidence before the same Commission:—

I have been 13 years in the colony, and during the whole of that period up to the apprehension of Ma-chow Wong, I was on terms of intimacy and friendship with Mr. Caldwell. I had on two occasions a difference of opinion with Mr. Caldwell, entirely arising out of his acquaintance with Ma-chow Wong. I foresaw that from the time of the apprehension of Ma-chow Wong, if I interested myself in the matter, the intimacy would cease, as it subsequently did. Much of the information which I am prepared to furnish, came to my knowledge from the friendly terms on which we had been. The first communication I made to the Attorney General or the Government concerning Mr. Caldwell, except in his defence, was subsequent to the trial of Boggs, and arose out of his defence. My reason for mentioning this is as a foundation for my evidence which would otherwise appear strange and paradoxical.—*Mr. May's Evidence, page 17, Caldwell Commission Report.*

Also to the following extract from Mr. Dixon's evidence before the same Commission:—

Chairman.—Are you not aware that Mr. Caldwell has been enabled to render most of this public service by means of Ma-chow Wong?

Mr. Dixon.—I am ; but I qualify it, believing that Ma-chow Wong never gave any information without having a selfish end in view. I know of a case, and brought a witness up to prove it before the Council, where Ma-chow Wong gave information for ships-of-war to attack pirates, and afterwards sent boats to collect loot from the pirate junks after the men-of-war had done with them.

Chairman.—Do you believe that Mr. Caldwell derived any pecuniary advantage from his connection with Ma-chow Wong?

Mr. Dixon.—I do—in general terms.

Chairman.—Do you think that from any of the unlawful transactions, Mr. Caldwell derived any share?

Mr. Dixon.—I decline answering that question.—*Mr. Dixon's Evidence, page 9, Caldwell Commission Report.*

(No. 27 in Appendix.) Also to Mr. Wade's letter to Acting Colonial Secretary, of 27th October, 1857, covering translation of papers found on Beaver.

Also to the following extract from Mr. Caldwell's evidence before the Caldwell Commission of Inquiry:—

Pang Wa-ping paid to the paymaster of the *Rattler* about \$200 salvage for rescuing his boat, for which the Paymaster gave a receipt, I witnessing it. I saw Chinese document belonging to Beaver after his apprehension at the Police Station. It was a kind of certificate from Chū Akwei the pirate Chief, but who styled himself a Rebel, showing that Beaver had been in his employ, and mention was there made of a man Wong Kee with another as having come from Keangnam (Keangnan), I believe, to carry out the Rebel movements. I wish to state that the Wong Kee mentioned there was never intended for Ma-chow Wong. Both the characters were entirely different from his name,—the Wong was different and the Kee also, and the fact of his being a Keangnan man made it the less likely, Ma-chow Wong being a Sun-on man. Mr. Wade may have gone by the sound, not knowing perhaps the characters of Ma-chow Wong's name. This was a red paper folded, I think four times—similar to the paper on which petitions are written, but without the Blue back to it. On casting my eyes over the document, this name Wong Kee made no impression on me at all, whereas had it been in the characters of Ma-chow Wong's name I should certainly have been attracted by them. This was the only paper produced as found on Beaver which I saw.—*Mr. Caldwell's Evidence, pages 96 and 97, Caldwell Commission Report.*

(Nos. 28 & 29 in Appendix.)

And to the Minutes of the Proceedings before the Magistrates in the cases of Roberts v. Beaver, and Caldwell v. Beaver.

Application was made for the original documents translated by Mr. Wade, and referred to in his letter, but they could not be found.

Mr. Murrow remarked that the report on the Beaver papers, as well as the papers themselves had been kept very secret. He believed indeed that neither Mr. May nor Mr. Anstey had ever seen them.

Mr. May said he had attached great importance to them, and had applied to the Chairman of the Caldwell Commission to be allowed to see them, but had been refused.

Mr. Caldwell stated, that his belief was that the document laid before Mr. Wade was not the one he saw, but was one which had been reconstructed or made for a purpose.

The Council adjourned till Friday, the 21st Instant, at noon.

FRIDAY, 21ST SEPTEMBER, 1860.

No Meeting of the Council took place to-day, in consequence of the absence of the Chief Justice at the Criminal Sessions of the Supreme Court.

10th Sitting.

SATURDAY, 22ND SEPTEMBER, 1860.

The Executive Council met to-day at noon by special summons.

PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Mr. Murrow applied that Sum-ahing, now in Jail, be brought up as a witness in support of Charge 3, and that Mr. May and Mr. Caldwell be not present when the witness shall be examined.

Mr. Caldwell stated, in reply to a question by the Governor, that he was not in the Government service at the time he purchased the disputed title to some property referred to in the last entry of Mr. May's Memoranda.

Mr. Murrow referred in further support of Charge 5 to the following extract from Eli Boggs' evidence before Caldwell Commission of Inquiry:—

As far as Ma-chow Wong is concerned, I am pretty confident that he levied black-mail on the pirates. My conclusion that Mr. Caldwell participated in this is drawn from what I have heard said. I have seen refreshments come on board, which the pirates said came from Mr. Caldwell. I have known money going away from the vessel, which they stated was going to Ma-chow Wong and Mr. Caldwell; but I cannot say whether it was true. I understood from the pirates outside that they had to give Ma-chow Wong money to give Mr. Caldwell, otherwise vessels would be sent out to take them. I know it to be the case that persons, whether pirates or not, who offended Ma-chow Wong, or failed to comply with his terms, were denounced to the Police and brought to trial and conviction. In the instance of Leong Ahee, in which case I was a witness, I afterwards found out that Ma-chow Wong demanded \$500 from him, and on his failing to give him this, had him taken up to the Court. There was a man of the name of 'Ng Tai-sin, from whom Ma-chow Wong wanted \$500; and on his not paying it he was arrested for something, I think as a suspicious character, and kept in Gaol for some time. He told me of the demand while in Gaol. My impression is, that those pirates who paid black-mail sailed their ships on the supposition that Mr. Caldwell and Ma-chow Wong would assist them, and not act against them.—*Eli Boggs' Evidence, pages 72 and 73, Caldwell Commission Report.*

and to the following passage in Mr. Inglis' letter to Acting Colonial Secretary, of 14th July, 1857, printed in the Blue Book:—

Wong-a-ki is a native of the city of Nam-tow, in Sun-on; his father, at his death, left him some land and houses, and for many years he contracted with the district magistrate for the supply of grass for the Government horses; hence his subriquet of Ma-tso Wong (horse-grass Wong). He became leagued with the pirates of the coast, was denounced to the mandarins, and fled here shortly after the formation of the colony. The Sun-on-Yün (district magistrate) offered a reward for his apprehension, and the gentlemen holding honorary official rank in his kap sold his land and houses, and divided the proceeds amongst the poor of his district. Since that time he dare not show out of this Colony.—*Mr. Inglis' Letter, pages 72 and 73, Blue Book.*

CHARGE 3.

Sum-ahing having arrived, Mr. Murrow proceeded with Charge 3,—

“With having kept up a communication with the Pirate whilst in Gaol, and with having since his departure to Labuan taken a direct interest in his business.”

Mr. Murrow requested that Sum-ahing should be examined in reference to this charge. He had received a paper purporting to come from Sum-ahing, and to be a statement of his case. Mr. Murrow handed in the paper, together with a translation of it which had been made by Wong Ashing. (Nos. 30 & 31 in A pendix.)

Sum-ahing, examined through Mr. Rozario as Interpreter, stated,—He was head of the Kwong-yek-loong Hong, from the 20th day, 4th moon of the 7th year of Hien-fung, until Ma-chow Wong's affair broke out; the name was then changed to Kum-yu-loong. He was the head of the Kum-yu-loong until its name was changed again to Kwong-fook. The name of the Kwong-yek-loong was changed as soon as he was released from Prison. He had been arrested with Ma-chow Wong, and was released by the Chief Justice. This took place on the 19th day of the 7th moon of the 7th year of Hien-fung. Ma-chow Wong never had a share in the Kwong-yek-loong, nor any interest in it, nor ever received money from it. Ma-chow Wong occasionally had a boat consigned to him, and put his goods in the Hong, that was his only connection with the Hong.

Sum-ahing.

Witness was informed that he was not examined with a view to any prosecution against himself, and that he might tell the truth without fear.

Examination continued,—Ma-chow Wong's wife had no share in the Kwong-yek-loong, but she had in the Kum-yü-loong. The Hong was built with the money provided by the Kup-chee men. By the term Kup-chee men he means the firm of Sum-yun-lee, the principal of which was his brother See-ko. He had never said that Ma-chow Wong built the Hong, nor had he ever written it. Ma-chow Wong's wife had no share in the Kwong-fook Hong. He had paid her \$1,800 as her share of the Kum-yü-loong, and having thus bought her out changed the name to Kwong-fook. He had never stated that he had given her a larger sum for her share. When in Gaol had never written down a statement of these things, but had requested his nephew to do so

Sum-ahing.(No. 30 in Appen-
t as above.)

about the 2nd or 3rd moon of this year. Never saw his nephew write, but told him what to write. He paid the \$1,800 to Mrs. Caldwell and asked her to give it to Ma-chow Wong's wife. The female servant of Ma-chow Wong's wife came to him and said it was to be paid to Mrs. Caldwell. He did so; and Mrs. Caldwell gave it to a female servant to take to Ma-chow Wong's wife. Ma-chow Wong had no interest or share in any of the Hong's, but witness's brother See-ko took pity on Ma-chow Wong's wife after Ma-chow Wong's transportation and gave her a share in the Kum-yü-loong Hong. He gave her one-third share of both capital and profit. When Ma-chow Wong's wife was paid the \$1,800 all her interest in the Hong ceased, and the name was changed to Kwong-fook. The Kwong-fook Hong consisted of his brother and himself. On the 12th moon of last year Ma-chow Wong's wife sent her brother-in-law to him to borrow \$500, which he refused to lend, and in consequence Su-kwong-choi, the brother-in-law, got up the charge of kidnapping against witness on which he was convicted and for which he was now undergoing imprisonment. The brother-in-law did not ask for the \$500 altogether as a favour, but said that Ma-chow Wong's wife had been underpaid, as her share of the Capital amounted to more than the \$1,800 she had received. The accounts had all been squared, so he refused. Witness had not the accounts of the Hong, as after he was arrested Mr. Caldwell came with a policeman and carried away all the account books, papers, and other things from the Kwong-fook Hong which was then in charge of Assam, Ahung, and Akoey. He was told of this by his brother Assam, who used to visit him in Gaol before his trial. He did not know where his brothers now were. (A document in Chinese is here shown to witness.) He never saw the paper produced. It was written by his brother Ahung. When he said "nephew" before, he meant "brother."—The Interpreter explained that the same character was used in the Haka dialect to represent "brother" and "nephew." The paper was not written in Gaol. He asked his brother to write it and told him what to say. His brother was as well acquainted with the facts of the case as he was himself. The Hong he believed was now closed, and he did not think any one was living in it. The \$1,800 was paid on three different occasions, \$1,000, \$500, and \$300. The three payments were made within a week of each other. The \$1,000 was paid first, it was paid into Mrs. Caldwell's hands, who handed it over to the female servant of Ma-chow Wong's wife to carry to her mistress. The second payment was made to Mrs. Caldwell, as also the third, who dealt with them both in the same manner as with the first. He (the witness) made these payments through Mrs. Caldwell instead of to Ma-chow Wong's wife direct, because he was told that every thing connected with Ma-chow Wong must go through Mrs. Caldwell. Between 7th and 8th years of Hien-fung very many payments were made to Mrs. Caldwell. If he were to go into the particulars of these transactions, it would take him three days to relate them. Sometimes he wanted to get money to carry on the business of the Hong, and then he went to Mrs. Caldwell for it, that she might get it from Ma-chow Wong's wife,—then he had to return this money advanced, and to account for profits, and all these transactions took place through Mrs. Caldwell. He knew of his own knowledge that Mrs. Caldwell transacted all business connected with Ma-chow Wong's affairs. He made entries of all these transactions in his books, which were always kept regularly and well; but they were taken away by Mr. Caldwell after his arrest as already described. At least he was so informed. When he was arrested he had left two large boxes filled with accounts in the Hong. The name of the Hong had been changed from Kwong-yek-loong to Kum-yü-loong because he and Ma-chow Wong had both been arrested, and on his release his brother said it had been so unfortunate a name that he would change it. The Hong had only existed two months or thereabouts when this affair happened, and so he thought it better to change the name. All the account books and papers were taken out of the Hong when he and Ma-chow Wong were arrested in 1857. He had never got the books back—heard they had been taken to Mr. Caldwell's—Witness corrected himself—had got back 4 or 5 books on application to Mr. Grand-Pré. He took the books he got back, to Mrs. Caldwell—was desired to do so by Ma-chow Wong's wife's servant who said there were entries in them relating to Ma-chow Wong. Mrs. Caldwell told him they wanted to examine the books as they were afraid there might be something in them which referred to Ma-chow Wong's connection with the Kup-chee people. The books never reached the Hong. He applied to Mrs. Caldwell for them, but never could get them back. The books which he had left in the Hong when he was arrested on the kidnapping charge would show every transaction between him and Mrs. Caldwell on account of Ma-chow Wong's wife and Ma-chow Wong, subsequent to the transportation of Ma-chow Wong. These were the books which were referred to before, as having been seized by Mr. Caldwell and the policeman.—Whenever the name of Wong Acheong appeared in the books, it meant Ma-chow Wong's son who lived with Ma-chow Wong's

wife. The boy's name also represented the mother's share.—Where the name Yow-hop occurred, it meant Mrs. Caldwell. Witness's brother in Kup-chee was a great friend of Ma-chow Wong's and when the other brother came here, Ma-chow Wong was requested to assist him, he being a green hand. Ma-chow Wong had a share in the Kwong-yü-loong Hong when it was established, and he (witness) had received a message from Ma-chow Wong's wife, that the entries in the books were in future to be in Wong Acheong's name. Mrs. Caldwell told him herself, and also sent a message, to enter Yow-hop for her name in the books. The reason assigned by Mrs. Caldwell was that as Mr. Caldwell was a Mandarin class of man, it was better to do it so. The transactions to which the entries related were sometimes lending and sometimes borrowing money. He did not know why he was told to enter Yow-hop when the share in the Hong was Ma-chow Wong's, but he did as he was told by Mrs. Caldwell. Sometimes he was told to enter the money in the name of Shap-lock, who was Mrs. Caldwell's elder sister. Did not know whether Shap-lock was a moneyed woman; but had heard that she was the keeper of a brothel. After the payment of the \$1,800 had no further transactions with either Yow-hop or Wong Acheong. The \$500 were applied for about the 10th or 12th moon of last year. The business of the Hong ceased after his arrest on the kidnapping charge. The house belonged to witness and his brother; and Wong Acheong was endeavoring to get a share of it—it was worth about \$4,000. The ground also belonged to witness and his brother—they bought it from Toong Alock—Not knowing the forms of business in the Colony, asked Ma-chow Wong to arrange the matter for him and he (Ma-chow Wong) registered the lot in Wong Acheong's name. This was done through the treachery of Ma-chow Wong, of which witness was not at that time aware. The ground rent \$48 per annum was always paid by witness to Ma-chow Wong's servant, who came for it for the purpose of paying it to the Land Office—as she told him. Witness paid above \$800 for the land to Toong Alock—and also \$3,000 for the building of the Hong. These sums were paid by witness and his brother. Witness only ascertained that the land was registered in Wong Acheong's name by sending his Clerk to enquire at the Land Office afterwards, but did not know it at first. No one but Ma-chow Wong's wife's brother-in-law and the servant urged on him the payment of the \$500.

Sum-ahing.

Mr. Scott, the Governor of the Jail, being examined stated, that no attempt was made by any member of Mr. Caldwell's family to hold communication with Ma-chow Wong whilst he was in Jail; but Assow, a Lookong, came and said he wanted to have a private interview with Ma-chow Wong, saying he was sent by Mrs. Caldwell.

Mr. Scott.

Council adjourned till Monday, the 24th Instant, at noon.

11th Sitting.

MONDAY, 24TH SEPTEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency, and all the Members.

The Minutes of last meeting were read, corrected, and confirmed.

Read Mr. May's Report of this date as to the present state of the Hong referred to by Sum Ahing at the last meeting. (No. 32 in Appendix.)

Mr. Power, the Acting Treasurer, produced the Books of the Land Office showing that Wong Acheong had purchased the land from Toong Alock for \$800 subject to an annual ground rent of \$24.

Mr. Caldwell stated that Wong Acheong was a Swatow man and the owner of the Hong; also that Sum Ahing acted for Acheong as the manager of the Hong. He (Mr. Caldwell) was not aware that Ma-chow Wong's son's name was Wong Acheong. He knew of course that it was Wong as that was the family name. He denied most positively that he had ever gone to the Kwong Fook Hong with a Policeman as stated by Sum Ahing—and said that Sum Ahing had evidently been put up to say what he did for the purpose of injuring him.

Sum Ahing.No. 30 in Appen-
as above.)

Sum Ahing called in and examined.—A paper purporting to be a statement of his case written by his Brother was shown to him, and he was desired to say how much of it was true. He stated that it was incorrect in the following particulars:—

(1.) The sum of \$2,500 should have been \$1,800, the other \$700 must have been a transaction between Ma-chow Wong and See-ko for a chest of opium.

(2.) The paper should have stated that witness was present when the Hong was being built. In all other particulars the paper stated what was correct and true. Witness said he never sent any papers from the Gaol, but spoke to some of his friends when he was outside the Gaol working in the chain gang.

Wong Ashing stated Mr. Murrow gave him the paper, and he translated it. There had been previous statements of some kind, made on leaves of printed religious books, from which this must have been made.

Sum Ahing looking at the paper said the one produced was in his brother's handwriting. He knew no person of the name of Wong Acheong except Ma-chow Wong's son, and this son was a little boy. He never knew any Swatow man of that name. Never knew any one of that name on board the Kee-lung-poo-oan. Witness was appointed head of the Hong by his brother See-ko. There never was any one present when he made his payments to Mrs. Caldwell. He always went with the servant maid only, but the people of the Hong knew of his having done so. He did not know whether any of his brothers were in the Colony now, but had heard while at work on the roads that they had been frightened away by Mr. Caldwell. If they could be found they could corroborate his statements. Witness never heard of a man named Low Ashu. Knows Assow. Assow never asked him for rent. Witness paid the \$800 for the purchase of the land with his own hand to Ma-chow Wong, and Ma-chow Wong paid it to Toong Alock. Ma-chow Wong managed the whole matter for him. Toong Alock had told him he had bought the land. He (Witness) had bought the land the 10th moon of the 6th year of Hien-fung, and was engaged in filling in and building between that date and the opening of the Kwong-yek-loong.

Toong Alock.

Toong Alock examined,—stated, he sold Lot No. 83 Section D. to Wong Acheong. Does not know who Wong Acheong was. Saw him. He seemed a person of between 30 and 40 years of age. Always called him Mr. Wong, but entered his name in the deed Wong Acheong at his request. Never told Sum Ahing that he was the owner. Sum Ahing was not in the Colony at the time. The person representing himself to be Wong Acheong may have been Ma-chow Wong. Has never seen him since. Came to the Land Office to sign the Memorial by himself; believes that Wong came next day, very likely with Mr. Stace. Wong was a tall man, about the size of Wong Ashing. He (Witness) signed the papers as to the conveyance of the land at the Land Office and left them there. The ground rent for Wong Acheong was paid to him by a woman. Believed she was wife of Wong Acheong. She had small feet. He said Sum Ahing was not in the Colony when he sold the land because he did not see him. First saw him about two years ago. Is an acquaintance of his. Witness first met Mr. Wong on the road who asked him to go to his shop in the Central Market. It was a family shop, he went to. Saw the family, two females and a maid servant. Saw no children. One of the females was the woman with small feet, who afterwards paid him the rent. Witness gave receipts for the ground rent. Did not put in Wong-kum-kee. Only Wong Acheong's name in the receipts. Did not know there was such a shop as the Kee-kee. Witness owed Mr. Stace money, and so the purchase money was paid to him. The purchase money was \$500. The bargain money \$300 was paid to Witness; it was paid in Wong Acheong's shop in the Central Market. He received the rent from the woman for about two years. Always from the same woman. He used to go to the shop in the Central Market for the rent. He got it once or twice from Wong Acheong himself at first, then from the woman, always in the same house. Did not see Wong Acheong at his late visits, only the woman. Never saw any children. Never asked what had become of the man. When he first knew Sum Ahing he was a kind of broker or clerk. Believed he was master or head of the Hong. Did not know whether Wong Acheong had anything to say to the Hong. Never knew any of Sum Ahing's brothers. Could point out the place in the Market where the family shop referred to stood. Believed two shops were built on the ground he sold. Did not know whom they were built by. Although two shops were built, they were always used as one Hong. Witness never had any communication with Sum Ahing about the purchase. Did not see

Mr. Wong ever sign his name. Mr. Wong never said he was purchasing the ground for any other person, but always led Witness to suppose it was for himself. When he asked Mr. Wong what name he should give to Mr. Power, he said "Wong Acheong." Witness pointed out on a map the situation in the Market of the House to which he was in the habit of going for the rent.

(No. 33 in Appendix.)

The Council adjourned till Friday, the 28th Instant, at noon.

12th Sitting.

FRIDAY, 28TH SEPTEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

—PRESENT:

His Excellency, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Mr. Caldwell read the following written Statement, which was then handed in. Also, Declaration by Mrs. Caldwell:—

I had intended to postpone bringing forward any proofs to contradict the statements which have been made to the Council by the convict Shum Ahing until the proper time arrived for making my defence to Mr. Murrow's other charges; but the statements made by this man are of such a character that I am desirous to remove at once from the minds of the Members of the Honorable Council, any impression unfavorable to myself or to Mrs. Caldwell, which these statements may possibly have created. That they are all false as far as they concern myself, I do most solemnly declare; and I will lay before the Honorable Council a solemn declaration, made in due form of law by my wife (who, in addition to a natural disinclination to appear in public under circumstances so peculiar, is, from having but recently been confined, unable to be removed) in which declaration the same solemn denial is made of those statements of Shum Ahing which relate personally to herself. The Honorable Council cannot have failed to notice the contradictions made by the witness, and the conflicting nature of many parts of his evidence. Indeed Mr. Murrow himself confesses that these contradictions are irreconcilable,—and if one may judge by the manner in which Mr. Murrow endeavored to show the little part he had in the production of this evidence, I may be almost justified in saying that he feels ashamed of the man himself, throwing the whole responsibility of the proceeding upon his friend Mr. Tarrant. This admission would certainly have come with a better grace had Mr. Murrow made it in the first instance, *before* the man gave his evidence, instead of doing so only when he found the evidence he gave was so little entitled to credit.

Mr. Caldwell.

I shall at once address myself to the subject of Shum Ahing's statements. But in the first place—

Who is Shum Ahing? He comes before the Council convicted by a Jury, who were unanimous in their verdict, of as bold and heartless a case of kidnapping for the Coolie trade as any that Mr. Murrow has ever denounced in the columns of his own Newspaper. No fewer than 45 unfortunate Chinese were his victims, 32 of whom, if alive, are probably at this moment expiating their ill-placed confidence in his assurances of protection, on the plantations of the slave holders of Cuba. When complaint was made before me of the circumstances, I reported the same to the Government and with its sanction I adopted such measures as I deemed most expedient for obtaining the release of the kidnapped men, and apprehending the perpetrators of the outrage. I did *not* succeed to the extent of my expectations in regard to the first, but I apprehended the principal offender and had him prosecuted. He was convicted, and he is now before you undergoing the just penalty of his crime. Mr. Murrow, pursuing his usual course of detraction against me, advocated, at the time, the innocence of the prisoner, declared it was a case "got up" and "trumped up" by myself—though he now—after hearing the evidence given by Shum Ahing here—admits that the case was really one of kidnapping and confesses his belief in the guilt of his own witness.

Mr. Murrow has told the Council that he derived all his information about Shum Ahing from Mr. Tarrant. I must inform the Council that Mr. Tarrant was one of the instruments used by Mr. Anstey in his late persecutions against me, and Mr. Tarrant's animosity against myself equals that of either Mr. May or Mr. Murrow, and he would go any length to see me injured. Mr. Tarrant and Shum Ahing were both prisoners in Gaol at the same time. That Shum Ahing should feel irritated against myself for the active part I took in bringing about his conviction and punishment, was natural; and I think I shall be able to shew in my cross-examination of Shum Ahing that he has been tutored into making the statements he did by Mr. Tarrant himself, and that in addition to his irritation against me, the inducement held out to him, was the hope of obtaining a pardon. I am justified in making this assertion because these statements were actually embodied in a Petition for a pardon of the prisoner, which was drawn up by Mr. Murrow himself, and presented to the Government during the time that Mr. Tarrant was a prisoner in Gaol, although I never heard of it till this moment. I am further justified in making this assertion from the introduction of the following remarkable statement into Shum Ahing's evidence: He says, "sometimes he was told to enter the money in the name of Shap-lock, who was Mrs. Caldwell's elder sister. Did not know whether Shap-lock was a monied woman; but had heard that she was the keeper of a brothel." Now this was one of Mr. Anstey's hobbies—one of those disgusting attempts of his to assail the reputation of my wife, which formed so prominent a part in his attempts to injure me,—and the introduction of it in Shum Ahing's evidence here could only be the work of some European well acquainted with the facts and circumstances of Mr. Anstey's proceedings against me. Mr. Murrow now, with a display of disinterestedness, wishes the Council to believe that he no longer intercedes for the man's pardon, because he believes him to be guilty; yet, from my knowledge of the Chinese character, I am convinced that the feeling on Shum Ahing's mind is that by making inculpatory statements against myself he *may* have a pardon extended to him.

r. Caldwell.

An appearance of probability is given to some of Shum Ahing's statements from the fact of his having had an interest in the Kwong-yik-loong Hong, and Messrs. Tarrant and Murrow have used this circumstance to build up a series of accusations, which, but for it, they well knew would not be credited coming from such a source. They wish to establish a criminal connection between myself and Ma-chow Wong. How easy was it to get Shum Ahing who had been connected in business with Ma-chow Wong, who was actuated by no good feeling towards myself, and who had been buoyed up with the hope of a pardon, to come forward and make statements tending to shew the existence of such a connection. So little suspicion had I that anything of the nature stated by this man would have been said against me or rather against my wife, that I was perfectly startled and horrified at the boldness of the man in making assertions which he knew to be so utterly false, and at the conduct of those who could induce him to come forward and make them.

The statements are of such a nature that it is difficult to rebut them by evidence, and to the most of them I can only offer a direct and solemn denial both on the part of myself and Mrs. Caldwell. There are other statements again in which Ma-chow Wong's wife is referred to by the convict as being present, and I will endeavor to produce her before the Council for examination, and let her corroborate or contradict those portions of the prisoner's statements which have reference to herself, or in which she is stated by the prisoner to have been present with my wife.

I will now offer for the consideration of the Honorable Council a few remarks on those portions of Shum Ahing's evidence which are susceptible of contradiction by evidence, or in which he contradicts himself.

Shum Ahing states boldly and prominently that,

"Ma-chow Wong never had a share in the Kwong-yik-loong nor any interest in it, nor ever received money from it."

Further on he states that

"Ma-chow Wong had no interest or share in *any* of the Hong's."

My own information leads me to the belief that Ma-chow Wong was not a partner in this Hong, which belonged to Wong Achaong, but that Wong Achaong gave him a fifth share in the profits of the Hong to induce Ma-chow Wong to give his assistance and advice to the Hong in any case of difficulty. Shum Ahing who was left in charge of it being a stranger and inexperienced.

It was one of the points attempted to be made out by Mr. May that this Hong belonged to Ma-chow Wong, that he was the principal partner and manager of the Hong. In fact it was upon the evidence produced at the trial to show that Ma-chow Wong was the owner, partner, or manager of this Hong that Ma-chow Wong was convicted of confederating with the pirates who had traded with it. If this evidence was true—and the Jury must have believed it to be true or they could not have convicted Ma-chow Wong of confederating—then the statement of Shum Ahing that Ma-chow Wong never had a share in the Hong, never had an interest in it, nor ever received money from it, must be grossly false. On the other hand, if this statement of Shum Ahing's is true, then Ma-chow Wong has been convicted upon false evidence got up on the part of the prosecution. There cannot be two opinions on the subject—either Shum Ahing is telling the Honorable Council a deliberate falsehood, or Ma-chow Wong has been convicted upon false evidence.

Again—Shum Ahing has furnished Mr. Murrow through Mr. Tarrant, with a written statement for some purpose or another, which statement Mr. Murrow has produced before the Council and made use of against me. In this written statement he declares that Ma-chow Wong built the house which was used as the Kwong-yik-loong Hong. Whereas the witness *now* states not only that Ma-chow Wong never built the house, but that he had never written such a thing. When that paper was written it was evidently the intention of the witness, or those who procured it to be written (for it is most unlikely that this man would have drawn up this document himself without the prompting of some one) to shew that Ma-chow Wong *was* connected with the Hong; but it *now* suits the witness's purpose to shew that Ma-chow Wong had nothing to do with it.

With reference to this paper he states further :

"When in Gaol he had never written down any of these things, but had requested his nephew to do so about the 2d or 3d month of this year—*never saw the nephew write, but told him what to write.*"

and again a little further on

"The paper *was not written in Gaol.* He asked his brother to write it, and told him what to say. His brother was as well acquainted with the facts of the case as he was himself."

It will be in the recollection of the Honorable Council that the person who made a translation of Shum Ahing's written statements for Mr. Murrow, viz: Wong Ashing, Mr. Murrow's own assistant—stated that the Chinese paper then before the Council containing the prisoner's statements, was *not* the paper from which he made the translation. He mentioned the remarkable circumstance that the paper or papers upon which Shum Ahing's statements were written, were *leaves torn out of religious books*—turned inside-out, printed in Chinese, and furnished to the Gaol for the use of Chinese prisoners;—and from this circumstance and from the appearance of the writing, he was satisfied that the statements had been written in Gaol, and it fully contradicts the statement Shum Ahing now makes that it was written by his brother *out of Gaol.*

In the following statements of the prisoner the facts he mentions are still more irreconcilable with each other.

"He had paid her (Ma-chow Wong's wife) \$1,800 as her share of the Kum-yu-loong, and having bought her out changed the name to Kwong-fook." He also states that this share was given "Because his brother *took pity* on Ma-chow Wong's wife after Ma-chow Wong's transportation, and gave her a one-third share in the capital and profit." But in another place he states "Ma-chow Wong *had a share* in the Kum-yu-loong when it was established." Again however he states that "Ma-chow Wong *had no interest or share in any of the Hong's.*" And again, "he did not know why he was told to enter *Yow-hop, when the share in the Hong (Kum-yu-loong) was Ma-chow Wong's,* but he did as he was told by Mrs. Caldwell."

Besides the irreconcilable nature of these contradictions on a subject upon which the witness *ought* to be able to give a clear and distinct statement, he having been himself in all the Hong's from their establishment to their close, there is the still more highly improbable allegation of his brother giving to Ma-chow Wong's wife—who had no claim upon him—but yet solely *out of pity* for her—a one-third share in the

whole capital and profits of his own Hong, and after having thus given it to her, *buys her out* again for the large sum of \$1,800!

In reference to the alleged deprivation of the Books of the Hong the prisoner makes the following statement:—

"He took the books he got back from Mr. Grand-Pré to Mrs. Caldwell. Was desired to do so by Ma-chow Wong's wife's servant, who said there were entries in them relating to Ma-chow Wong. Mrs. Caldwell told him they wanted to examine the books as they were afraid there might be something in them which referred to Ma-chow Wong's connection with the Kup-chee people."

If, as Shum Ahing first stated, Ma-chow Wong had no interest in the original Hong—nor had any share in it—nor ever received money from it—and that he had no interest in *any* of the Hong's,—how could there possibly be any entries in those books relating to Ma-chow Wong? and why should Mrs. Caldwell interest herself about them especially as Shum Ahing says her object in doing so was to see if they connected Ma-chow Wong with the Kup-chee people—meaning thereby himself and his brother?

Shum Ahing states that after his release he petitioned to have these books returned to him, stating, as a reason, that he *could* not carry on the business of the Hong without them; and yet after getting them back he states he gave them up to Mrs. Caldwell, and that he never got them back again, but still the business of the Hong nevertheless went on as usual.

In another part of his evidence the Witness states with reference to the books of the Kwong-fook:—

"He had *not* the accounts of the Hong, as after he was arrested Mr. Caldwell came with a policeman and carried away all the books, accounts, papers, and other things from the Kwong-fook Hong, which was then in charge of Assam, Ahung, and Akoey. He was told of this by his brother Assam, who used to visit him in Gaol before his trial."

There is no more truth in the above than there is in any of the other statements made by this man. I never went to this Hong after the prisoner's arrest, nor indeed for fully two years previous to it.

I should inform the Honorable Council that some days before I took the prisoner into custody on the charge of kidnapping, he had been arrested by Mr. May as Sheriff under a writ in a civil suit. He obtained his release on bail and he came to my house in the evening, as he said, for advice about this suit. I told him of the charge which had been laid against him and I took him into custody there and then.

After this second arrest, being in arrear of rent for the Hong, and the people left in charge of it having absconded, the property in it was seized by the mortgagee and sold off to pay the rent. The agent of the mortgagee (Assow) authorized the distress, he employed Mr. Martin, the Auctioneer, to execute it, and Mr. Martin accordingly sold the property he found in the Hong for Shum Ahing's rent. This is the manner in which the property left in the Hong by Shum Ahing at the time of the arrest was disposed of, and Mr. Martin and Assow will be able to inform the Council if there were any books or accounts, and what became of them. They will also be able to inform the Council whether or not I had anything whatever to do with the matter.

With reference to the ownership of the house, within which the business of the Hong's was carried on, the Witness makes the following statement:—

"The house belonged to Witness and his brother, and Wong Achaong was endeavoring to get a share in it. It was worth about \$4,000. The ground also belonged to Witness and his brother. They bought it from Tung Alook. Not knowing the forms of business in the Colony asked Ma-chow Wong to arrange the matter for him and he (Ma-chow Wong) registered the lot in Wong Achaong's name. This was done through the treachery of Ma-chow Wong of which witness was not at the time aware."

The whole of the above statement has been proved to be false by the evidence of Tung Alook the owner of the original lot of ground, of which the piece on which this house stands, is a subdivision. Tung Alook has informed the Honorable Council, and *he* can have no motive in telling an untruth, that he never sold the ground to the Witness and his brother or to either of them—that he had sold it to a Mr. Wong (meaning I suppose Ma-chow Wong who was acting for Wong Achaong) who had it transferred in the name of Wong Achaong and that he did not know Witness or his brother at all in the transaction.

Shum Ahing likewise stated that Tung Alook told him on three different occasions that the property was his.

Tung Alook declares this also to be false, and states that he never told Shum Ahing that the house was his, and that he never had any conversation with him on the subject of the Hong.

Shum Ahing also stated that he bought the ground from Tung Alook in November 1856—whereas a reference to the records of the Land Office will shew that the Memorial of the transfer of the ground from Tung Alook to Wong Achaong was registered two months previous, namely, in September 1856.

Shum Ahing also stated "He paid above \$800 for the land to Tung Alook and also \$3,000 for the building of the Hong. These sums were paid by Witness and his brother."

This is likewise denied by Tung Alook who states that he never received any money from Shum Ahing or his brother.

Contradicted in all these important points, it has been attempted to be shown that the property stands registered in the name of Ma-chow Wong's son, Wong Achaong. I have ascertained that the boy's proper name is Chaong-ee, but he is sometimes called Achaong by persons outside. I have always understood that the true owner of the premises is Wong Achaong, a Swatow man, who established the original Hong of Kwang-yik-loong, who placed Shum Ahing in charge of it and who gave Ma-chow Wong an allowance of a fifth share in the profits to secure his assistance and advice to Shum Ahing in any case of difficulty—and it will be proved to the Honorable Council by unimpeachable evidence that *the* Wong Achaong, whose name stands as the registered owner, is a man belonging to Swatow—a man upwards of thirty years of age, and *not* Ma-chow Wong's son, who is a lad of about 10 years of age, and who must have been only 6 years old when he is alleged to have signed the Deed and Memorial in September 1856.

The property stands mortgaged in the manner common among Chinese to Low Ashu, a man of wealth, good character, and undoubted respectability. He resides principally at Macao though he has a residence also in this Colony. He will inform the Honorable Council, I believe, that *the* Wong Achaong who mortgaged this property to him is a man belonging to Swatow; that in 1857 he was introduced to him by a middle man for the purpose of borrowing a sum of money on the premises now in question, that he had several interviews with him, during the progress of the negociation for the loan. That he eventually agreed to make the loan, that he received the Title Deeds of the property from this Wong Achaong, obtained a mortgage from him drawn up in Chinese, and that he thereupon paid him the money,—and that it was part

Mr. Caldwell.

of the arrangement between Low Ashu and Wong Achaong, that Low Ashu should receive the rent of the premises to account of interest on the mortgage. That after becoming mortgagee of the premises he agreed with Shum Ahing to continue in the Hong at a monthly rent of \$50, which rent Shum Ahing regularly paid for the first few months but afterwards fell into arrears; that since the property has been mortgaged to him he has paid his proportion of the ground rent (namely \$24 a year) to Kwok-kum-fook the Lessee under Government, who can also be called to corroborate this part of Low Ashu's statement.

In addition to this evidence there is the Deed of transfer from Tung Alook to Wong Achaong whose signature is to the Deed and to which I am a witness. I saw this man sign the Deed and I knew him because he chartered a Lorch of mine, the Kee-loong-poo-oan. I am certain that I would never have shewn such an utter ignorance of my duty as to permit a child of the age of 6 years to execute a Deed of conveyance of land even though he was the party to be benefited by it. And besides, such a circumstance would have impressed itself upon my memory and I should most certainly recollect it had been so.

It is not likely either, supposing that Ma-chow Wong wished to register the ground in the name of his son, that he would have called him Wong Achaong when his proper name was Wong Chaong-keen.

Shum Ahing has also stated that *he never paid any rent for the Hong.*

I will prove to the Honorable Council by the clearest evidence that this statement of Shum Ahing's is also false.

Assow, the Agent of the Mortgagee, will state that he was empowered by Low Ashu, the Mortgagee, to collect the rent of this Hong; that Shum Ahing has frequently paid him rent for the premises at the rate of \$50 per month. Assow will produce his rent book bearing the seal of the Kum-yu-loong Hong, in which these payments by Shum Ahing have not only been regularly entered, but that Shum Ahing has to each of these entries attached his own private seal, which is the usual method in use among the Chinese in keeping their rent accounts.

Shum Ahing has further stated that he always paid the ground rent of the Hong himself *half yearly* to Ma-chow Wong's servant, and that each *half year's* rent was \$24.

Low Ashu will prove that the ground rent was paid by him and the books of the Land Office will show that the yearly rent was \$24 and not \$48 as stated by Shum Ahing.

Shum Ahing wishes to make it appear that the ground was registered in the name of Wong Achaong through Ma-chow Wong's treachery, and that he only discovered it afterwards by sending his clerk to the Land Office to make enquiries. But what does he do when he has discovered Ma-chow Wong's alleged treachery? Does he set about getting the matter rectified? Does he make any complaint or representation to any one in order to have the property placed in his own name? No—but he gives Ma-chow Wong's wife a one-third share in the capital and profits of the Hong in reward for her husband's treachery—and when Low Ashu the mortgagee comes to him to arrange about letting the Hong to him, he makes no remonstrance, but quietly agrees to pay him \$50 rent per month, for what? why, if his statement be true, *for his own property!*

Having thus shown the utter worthlessness of this man's evidence in so many important particulars, I feel that I may with confidence ask the Honorable Council to view the whole of his other statements, especially those against my wife, which have been denied upon her solemn affirmation, not only with distrust but as unworthy of credit. Mr. Murrow himself confesses that his contradictions are irreconcilable—but what of that? no matter how worthless this convict's statements may be—Mr. Murrow's purpose has been answered—he has had this man's statements recorded on the Minutes of the Council—he has published them in his own Newspaper, and sent them forth to the world with his own comments upon them, and the injury which they will have done to myself and my wife will not be removed by a bare admission that the “contradictions are irreconcilable.”

(Signed) D. R. CALDWELL.

Mrs. Caldwell.

[Minutes of the Council of 22d September, 1860.]

I, Mary Ayow Caldwell, wife of Daniel Richard Caldwell, of Victoria in the Colony of Hongkong, do solemnly and sincerely declare that I have heard, read, and explained the statement made by one Sum Ahing before the Executive Council of the Colony of Hongkong as appearing in the minutes hereunto annexed and marked A.* That the whole of the said statement so far as I am concerned, and in every respect in which my name is mentioned, is wholly and utterly false and untrue. That I have never at any time or in any manner either received or authorized or directed any person or persons to receive any sum or sums of money, books, papers or other articles whatsoever from the said Sum Ahing for myself or any other person or persons or for any purpose or in any manner whatsoever. And that I have never had any communication with the said Sum Ahing on any subject whatsoever save and except on one occasion. That this was shortly after the conviction of Ma-chow Wong for confederation with pirates and that a person then came up to my residence and enquired for my husband, and I informed him that my husband was out, but told him if he had any message or business to impart to Mr. Caldwell, if he would tell it me I would communicate it to my husband, and that the said person then stated that his name was Sum Ahing and he was a partner in the Kwong-yek-loong Hong and had presented a petition through Mr. Caldwell for the delivery of the books of his Hong which were detained by the Police or in Court, and that he had come up to urge Mr. Caldwell to attend to this petition as the business of his Hong was affected by the want of the books, and that I then told the person representing himself to be Sum Ahing that I would communicate his wish to my husband which I did. And I further declare that save and except on this occasion I have never had the slightest communication whatsoever with the said Sum Ahing and have never seen him again except on two occasions when he came up to see my husband on some official business, and that I then never spoke to him or had any communication with him directly or indirectly.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act made and passed in the Sixth year of the Reign of His late Majesty King William the Fourth intituled, “An Act to repeal an Act of the then present Session of Parliament intituled, ‘An Act “ ‘for the more effectual abolition of Oaths and Affirmations taken and made in various Departments of the “ ‘State and to substitute declarations in lieu thereof and for the more entire suppression of voluntary

“ ‘and extrajudicial Oaths and Affidavits;’ and to make other Provisions for the abolition of unnecessary Oaths.” Mrs. Caldwell.

(Signed) MARY A. CALDWELL.

Thus Declared in due form of law at the residence of the said Declarant at Victoria, in the Colony of Hongkong, this twenty-seventh day of September, A.D. 1860—

Before me,

(Signed) EDWARD H. POLLARD,
Notary Public, Hongkong.

Mr. Murrow handed in depositions taken in Macao by the Procurador relative to the kidnapping case in which Sum Ahing had been convicted, also certified extract of a letter from Mr. Davis. He applied that his letter addressed to the Colonial Secretary asking for a pardon for Sum Ahing, with its enclosures, might also be put in. (No. 34 in Appen-
(No. 35 ”
(No. 36 ”

Mr. Caldwell then handed in his correspondence with Mr. Marques, the Procurador of Macao, upon the subject of the kidnapping case. (No. 37 in Ap-
dix.)

Sum Ahing was then cross-examined by Mr. Caldwell and stated,—that he had been told that by coming before the Council and giving evidence against Mr. Caldwell he would obtain a pardon.—Was told so by the prisoners who had recently come into Gaol. Some of the 40 or 50 who had gone in lately had told him that they had heard so. The prisoners who told him were men sentenced for 3 or 6 months. Did not know the names of any of them, but they said: “You have been sent for to go up before the Governor, and very likely you will be pardoned.” This was said to him after he had been up the first time. Witness knew Mr. Tarrant—had a few words conversation with him in Gaol. Never on the subject of Mr. Caldwell, only about his own business. Mr. Tarrant never told him that Mr. Caldwell was about to be dismissed from the Government service, and that the Government wanted persons to give evidence against him. It was not in consequence of any conversation with Mr. Tarrant that he gave the evidence he did before the Council. Mr. Tarrant said if witness had a brother or a friend who would write a statement of all his innocence, he, Mr. Tarrant, would try to assist him. Witness did not know Mr. Murrow. Knew his name but not his person. He told his brother to take the written statement to Mr. Tarrant, a gentleman who had been in the Government service, and who could speak to the Governor. Heard that his brother had an interview with Mr. Tarrant in the Debtor’s Gaol. Mr. Tarrant was in the Criminal Gaol when he had the conversation with Witness. This conversation took place in the 2nd moon of the year and a few days afterwards Mr. Tarrant was removed to the Debtor’s Gaol. Mr. Tarrant never told Witness he would forward his statements to Mr. Murrow and get him to assist in obtaining a pardon for him. Did not know Mr. Murrow, only Mr. Tarrant. Never made these statements before, because he was not asked or ever examined by any one. He had answered the questions put to him by the Magistrate. Made part of his defence, but not the whole of it. Was not allowed to speak in the Supreme Court. The conversation in Gaol to which he before referred, originated with Mr. Tarrant, who asked him what offence he was in for. Knew ‘Ng Assoong. He was bought by Sun-quong Choi to give evidence against Witness. Knew this because every body says the same, and Witness knew ‘Ng Assoong to be a very bad man. ‘Ng Assoong was a barber from Kup-chee. Witness knew him to be engaged as a Coolie broker—or pig broker as it is called—between Kup-chee and Macao. Often saw ‘Ng Assoong and Ma-chow Wong’s brother-in-law Sun-quong Choi together. The last time was when he was brought before the Magistrate on the kidnapping charge. Had no Counsel at trial. Did not state at the Supreme Court that ‘Ng Assoong was a pig broker because the interpreter would not allow him to speak. Only knew Assoong towards close of last year when he was brought to him by Sun-quong Choi. Assoong quarrelled with Witness because Witness would not allow him to sell the Kup-chee men after they were released as pigs.

Sum-ahing.

Mr. Caldwell said he thought it would be a waste of time to proceed with this cross-examination, as he should bring direct evidence to disprove the man’s statements. If necessary, however, at a future stage he would ask permission to cross-examine the witness on the evidence he had given.

Mr. Murrow applied to the Council to call upon this man to put down in writing the statements which he said would take him three days to make as to transactions between Mr. Caldwell and Ma-chow Wong.

Mr. Murrow was informed that this was not necessary, at all events at present.

Sum-ahing.

Witness stated in reply to questions from the Governor, that he knew Atuk; that he was the Coolie Broker who brought the men from Kup-chee. That did not employ a lawyer to defend him, because his friends were not allowed to do so. One brother was frightened away from the Colony, and the other was falsely imprisoned by Sun-quong Choi in his house. His friends told him this when he came out of Gaol to go before the Magistrate and the Supreme Court. The Cook of the shop was arrested upon the same charge as witness. The Cook was his cousin.

(No. 38 in Appen-
)

Mr. May applied that this witness might be asked as to the letter found in the Kwong-yek-loong sealed and ready to be sent, and which was referred to at pp. 343 and 344 of Blue Book. Translation of letter read. Witness stated that the writer of the letter, Lum-chew-yung was a relative of his Brother Seeko. The Lee-yu-hop was the firm in Kup-chee, of which his brother Seeko was principal partner. Lum-chew-yung was his clerk and wrote the letter referred to by Mr. May, and put it on the rack. The clerk told him he was going to write to Kup-chee, but Witness did not see the letter. Sum-yun-Lee was another name for his brother Seeko. Sum was the family name. Seeko was connected with about 10 sugar stores in Kup-chee, and carried on business at Kup-chee as Lee-yu-hop.

Cheong Assow.

Cheong Assow, Overseer of Roads, on being examined, stated,—that he collected rent for Low Ashu who was formerly Comprador to Williams, Anthon & Co. Low Ashu lent money to a man named Wong Acheong who gave him as security a paper. He (Witness) did not know Wong Acheong. Low Ashu was at present in the Colony. Witness was about to write to him to Macao to return, but found before sending the letter that he had come back. Low Ashu told him he was to collect rent from the Kum-yu-loong Hong, as he Low Ashu had lent \$2,000 to Wong Acheong and was to receive the rent as interest. The rent was \$50 per month; the interest was 2 per cent per month or \$40. Witness paid over the \$50 a month to Low Ashu, and did not know what became of the balance. Low Ashu lent the money to Wong Acheong about January 1858 and a few days afterwards gave Witness the Book produced and told him to collect the rent. Never saw Wong Acheong. Did not know who he was. Never heard from Low Ashu who Wong Acheong was or any thing about him, except that he came from Soo Chow. Low Ashu gave him the book and told him to collect the rent. He did so from Sum Ahing who paid "all proper" for some months, and then fell into arrear until at last he owed \$800. Sum Ahing paid in all \$400 which settled for 8 months. In January last 16 months' rent was due. Had no proof of the payments except the book produced, which bore the seal of the Kum-yu-loong Hong on the back, and Sum Ahing's shop seal on the payments.

Sum-ahing.

Sum Ahing was here called on to explain his former statements that he had never paid rent to Assow for the Kum-yu-loong. He stated,—that Assow's statement was not true. The book produced had a meaning which he would explain. Mrs. Caldwell told him that Ma-chow Wong's wife Soo-she owed some money to Low Shu Pak (Low Ashu) and requested him to pay it and charge it to Soo-she's account. Soo-she was the wife of Ma-chow Wong before referred to by Witness as the person entitled to one-third share in the Kum-yu-loong Hong. The payments were made to Assow for interest for Soo-she and not for rent; and it was entered in Soo-she's separate account. Witness took Mah-fung-chun, a Hoy-fung man, to Mrs. Caldwell to arrange about the purchase of the Kee-lung-poo-oan Lorcha. Ma-chow Wong was the owner of the Kee-lung-poo-oan. Witness was the go-between in the sale of the Lorcha. Mrs. Caldwell and Ma-chow Wong's wife told Witness that a large sum of money had to be paid to Low Ashu for interest and that he was to pay \$50 a month to him and charge it to Soo-she's account. Assow only came for the interest once. Doctor Lum-teen came the other times. Assow never told him it was for rent, but for interest. The Lorcha was bought by Mah-fung-chun for \$3,300, and the money was paid by him to Assow by direction of Mrs. Caldwell.

Only about \$1,000 were paid in two payments—one of \$800, and another small payment, the exact amount of which he could not remember. The remainder of the price agreed on was never paid as the Lorcha was wrecked near Swatow.

Sum-ahing.

Assow stated that when he went to Sum Ahing he said he came for rent. Sum Ahing said what for? He replied that it was for interest for Low Ashu. Witness said he did not go each of the eight times, but went many times and sometimes sent, as there was much trouble to collect the money.

Cheong Assow.

Sum Ahing reiterated that he had not paid Assow more than once or twice. Doctor Lum-teen received the other payments.

Sum-ahing.

Assow said he never had received the sums named as part purchase of the Lorcha Kee-lung-poo-oan. Neither the \$800 as stated by Sum Ahing or any other sum.

Cheong Assow.

Sum Ahing having had this denial pointed out to him said, that Huang-foan and Ty-kee knew of the matter and could prove the truth of his statement. The money was paid upstairs of the Fung-hop shop, that is the shop of Assow, and Witness was present himself and helped to pay the money.

Sum-ahing.

Assow said he allowed Sum Ahing to get so much in arrear because he "chin-chinned" him several times and asked him to speak to Low Ashu about it. When Sum Ahing was in Gaol the shopman said his master would soon come out and then he would pay. Went one day and found every body had gone away, so took possession of the things, sold them, and put up a paper saying the shop was to let. Told Mr. May he did not know (savez) Wong Acheong, and not that he had never heard of him. Saw or spoke to Low Ashu since he spoke to Mr. May. Saw him the following day. Low Ashu has plenty of other houses in Hongkong. Witness did not collect rent for any of these. Thought Low Ashu did himself. First heard that Low Ashu had lent money to Wong Acheong about January 1858, when he received the rent book and instructions from Low Ashu. Did not know who paid the ground rent, he did not.

Cheong-Assow.

Mr. May pointed out to the Council that Assow's statement as to Wong Acheong now given was quite different to that given by Assow to him (Mr. May) the previous Sunday. Assow had then distinctly stated that he had no knowledge of the nature of Low Ashu's transactions as to Section D., and no knowledge of Wong Acheong.

Low Ashu being called in and examined stated,—he lent money on Section D. of lot 83 to Wong Acheong, a Chew-chow man, in the 7th year of Hien-fung. Got a Deed and had it now. Knew Wong Acheong for three or four years before he lent the money but did not know where he was living, but he was carrying on business in Hongkong in the Kum-yu-loong Hong. Lent the money, \$2,000, in the 11th moon of the 7th year. Had previous dealings with Wong Acheong for opium. Wong Acheong was now alive and living at Chew-chow. Witness had not seen him since three or four months after the money was lent. Knew Ma-chow Wong, but never had any dealings with him. Received a letter from Wong Acheong about 4th moon of last year, saying he was coming to the Colony in a few days. Has not got that letter,—destroyed it. The ground rent was always paid by witness. He got possession of the ground from Wong Acheong when he advanced the money. The premises were at that time occupied by the Kum-yu-loong Hong. Wong Acheong wanted the money for trade. Witness has other property in the Colony, the rent of which is collected by his clerk. He gave Assow this as he happened to come in one day and he lived so near. Wong Acheong came to Witness and asked him to lend the money. It was less than a month afterwards that he gave the book to Assow. Knew that the paper was no security as he had not registered it in the Land Office, but trusted the man. Lent money in other cases on Deed without registering, but could not at that moment mention any other instance. Did not sell the property, because the interest was regularly paid. The payments became irregular only towards the end. Could not tell without referring to his books the number of months for which interest was not paid, but there was not a year's arrear, only a few months. When the shop was let a few months there remained a few months interest due. Received \$400 from

Low Ashu.

Low Ashu.

Assow for interest and \$100 from the auction. Never received interest from any one else, but Assow. Never received any part of the principal. The interest was \$40 per month. Did not come prepared with any accounts, and so could not state how much should have been collected from first to last. Only paid the ground rent three times. Did not commence paying the ground rent from the time he took possession of the property. Left the house vacant so long, because no one came to inquire as to the rent.

In reply to the Chief Justice, Witness said he could not name a Person in the Colony who had either seen or known Wong Acheong personally—"Not one."

The Council adjourned *sine die*.

13th Sitting.

FRIDAY, 16TH NOVEMBER, 1860.

The Executive Council met to-day at noon, by Special Summons.

PRESENT:

His Excellency The GOVERNOR.

The CHIEF JUSTICE.

The COLONIAL SECRETARY.

The Minutes of last Meeting were read, corrected, and confirmed.

The Governor said that he had a statement to make to the Council in reference to some information which he had obtained since the last Meeting. At former examinations it had been shown that Toong Alock, the Lessee of lot No. 83, had in September, 1856, sold Section D. of this lot to Wong Acheong. Early in 1858 Toong Alock assigned the lease of lot 83 to Tchow-wun Yoong; but until he parted with the lease, he received the proportion of Ground Rent for Section D. once from Wong Acheong himself and afterwards from his wife who lived in the Central Market. Low Ashu had informed the Council that he had in December, 1857, lent \$2,000 to Wong Acheong who handed over to him Section D. with the papers connected with it as security for the loan, and that Wong Acheong shortly after left the Colony and had not since returned to it. Although the Section D. remained registered in the Land Office in Wong Acheong's name, it had been looked upon and practically dealt with by Low Ashu as his property since the date of the loan—December 1857. Low Ashu, however, informed the Council that he had only paid the Ground Rent on it for the last three half years, *i. e.*, June and December, 1859, and June, 1860. The question therefore arose who paid Wong Acheong's Ground Rent to Tchow-wun-yoong, the lessee, for June and December, 1858. Mr. May had accordingly been directed by the Governor to find out Tchow-wun-yoong and bring him with an Interpreter to Government Offices to be examined. He did so, and Tchow-wun-yoong made the following statement:—

Tchow-wun-yoong.

Tchow-wun-yoong is the Master of the Tat-kee shop, 289 Jervois Street. Bought lot 83 from Toong Alock, who told him that there were four portions of the ground sold to Ho-sung-tow (£12), Kwok A-chong (£12), Kwok-chew-yow (brother of last)—(£14), Wong Acheong (£5), and that he paid the balance of £7, making up the entire Ground Rent. He paid the full Ground Rent into the Treasury twice or thrice. Toong Alock told him to whom to go to get the Ground Rent, and with regard to Wong Acheong he told him to go to the Kwong-fook Hong, and if these refused, to go to Mah-chow Wong's wife. On one occasion he got the money from the Kwong-fook Hong, and on two occasions from Mah-chow Wong's wife. Mah-chow Wong's wife lives in the back lane near Gibb's godowns. Toong Alock did not tell him who Wong Acheong was. He has never seen him nor does he know who he is; but he has heard people say he is Mah-chow Wong's son. Has his account books which will show who paid the quotas of Ground Rent. He has the Treasury receipts.

Government Offices, 10th October, 1860.

After Tchow-wun-yoong's examination at Government Offices, the following written communication was received from Mr. May on the subject:—

11th October, 1860.

After leaving Government Offices yesterday, I saw Chinese Sergeant Akun, who *then* made known to me that Toong Alock had gone to the man examined yesterday, on the evening of the 9th instant, and endeavoured to induce the man to tell a tale which would accord with Alock's. The man however told him that he intended to speak the truth. It immediately struck me that there was a loophole by which the statement of the man could be rendered valueless. As, you recollect, he stated that he sent his shop coolies to receive the Ground Rent from Mah-chow Wong's wife, and knowing the unblushing way in which palpable untruths are uttered by Chinese, I thought it advisable (to obviate any reconstruction of the evidence)

to see the shop coolies. I accordingly went last evening accompanied by Akun. I saw the coolie (named *Ahson*) who went on the *two* occasions to Mah-chow Wong's wife. The coolie stated clearly, that on each occasion he saw Mah-chow Wong's wife, a boy aged about 13 years, and a girl of the same age apparently; that Mah-chow Wong's wife told the girl to get the dollars for him, who did so. It appeared that another coolie not (at the time of my visit) in the house went on one occasion to the Kwong-fook Hong to receive the Ground Rent.

(Signed) C. MAY.

It thus appeared that Mah-chow Wong's wife had continued to pay the Ground Rent on Section **D.** after Wong Acheong had handed over his title deeds and left the Island. It also appeared that Toong Alock's evidence given at a previous Meeting to the Council, that he was neither aware who the woman was who paid him rent nor acquainted with Ma-chow Wong, was untrue.

The Governor further stated that, with the view if possible of tracing Wong Acheong, he had caused notice to be served on the present tenant of the shop formerly occupied by Sum Ahing to pay his monthly rent into the Treasury, which had been done. It would remain there until Wong Acheong applied for it, or until it could be determined who was entitled to receive it.

Read letter from Mr. Davies, late Chief Magistrate, to Clerk of Councils, dated 12th November, 1860, bearing testimony in favour of Mr. May. (No. 39 in Appendix.)

Mr. Murrow applied to His Excellency to dismiss Assow from Government Employment or impose some mark of His Excellency's displeasure, in consequence of the contradictory information given by him to Mr. May and to the Council. Mr. Murrow also urged that Mr. Caldwell should be interdicted from the further exercise of his functions until the close of this branch of the Inquiry, on the ground that so long as he remained in office it would be impossible to obtain evidence from Chinese. In support of this application Mr. Murrow quoted an extract from the Colonial Regulations as regards suspension from office, and detailed certain facts which had been communicated to him, but which he could not induce the persons who had related them to state before the Council. He also charged Mr. Caldwell with having tampered with the three witnesses: Toong Alock, Assow, and Low Ashu, who had been examined at previous Meetings.

The Council decided that until the close of the Inquiry no opinion would be expressed as to the facts brought under their notice during the progress of the investigation.

Mr. Caldwell stated in reply to a question put to him, that he arrested Sum Ahing's cook in the street outside the Magistrate's gate where he was pointed out to him by one of the witnesses as having been engaged in the kidnapping affair.

Mr. Caldwell made an application that in the examination of Chinese witnesses Wong Ashing might act as Interpreter instead of Mr. Rosario. Mr. Murrow, in whose employ Wong Ashing is, having consented, it was ordered accordingly.

Assow was again called in and examined. He said he remembered Mr. May calling him on Sunday and making enquiry as to the Kwong-fook Hong. He could not recollect the exact day he saw Mr. Caldwell afterwards, but believed it was either the next day or the following one,—Monday or Tuesday. It was after Low Ashu had returned. He told Mr. Caldwell about the Mortgage. He had however talked to Mr. Caldwell before Low Ashu's return—Low Ashu had told him some time before about his having lent the money to Wong Acheong, and had showed him a paper proving the loan, and also a lease. One of these papers was written by Mr. Power. When he saw Mr. May on the Sunday had not told him he had never heard of Wong Acheong, but that he did not "save" him; he said that all he knew of him was what Low Ashu had told him—had never seen Wong Acheong and so could not know him, but Low Ashu had told him that he had lent money to Wong Acheong and was to receive the interest for it from the Kwong-fook Hong. Low Ashu had showed witness his book in which was an entry of the money having been lent. Witness told Mr. May what Low Ashu had said about Wong Acheong having borrowed money from Low Ashu, and that he (Assow) collected the rent to pay the interest. Mr. May had asked him (Assow) who was the

Cheong Assow.

Cheong Assow.

owner of the land, and he replied that he did not know.—Could not recollect that Low Ashu ever told him where Wong Acheong came from—Allowed Sum Ahing to stay in possession for 16 months without paying rent, because whenever he asked Sum Ahing for rent he put witness off by saying he expected to get a partner. Received rent for another man from 8 houses. • Some of these were three or four months in arrear.—Sold the goods and took possession of the premises about February, and let them to present tenant about 5 months ago. Did not know whether any other man had paid rent to Low Ashu. Never told Mr. Caldwell that Wong Acheong came from Swatow. Before Low Ashu returned told Mr. Caldwell he collected the money to pay Low Ashu his interest, also told him about Wong Acheong having borrowed the money. Told him Wong Acheong was a Chew-chow man. Did not know who took Wong Acheong to Low Ashu to borrow money. Did not know that any one did. Never told Mr. Caldwell that he did. Knew nothing whatever about a middle man, or whether one had or had not been employed.

Sergt. de Silva.

Sergeant de Silva being examined stated, that he was present when Mr. May was questioning Assow, and Assow had said he knew nothing of the family of Ma-chow Wong.

Cheong Assow.

In reply to Mr. Caldwell, Assow stated he let the Hong to the present tenants about 14th or 15th moon of Chinese year (3rd or 4th July.)

Su Asum.

Su Asum (wife of Wong Akee, alias Ma-chow Wong) being examined through Mr. Rosario, the Interpreter, stated:—Wong Acheong was the proprietor of the Kwong-yek-loong Hong. First knew him in 1855. He was a friend of her husband, and had chartered a vessel of his. Last saw him 10th moon of 7th year (16th November, 1857.) Did not know anything about money transactions between Wong Acheong and her husband. Last time Wong Acheong was down here he gave her a book to collect \$300 from Sum Ahing, being his share of the business of the Lee-yu-hup at Swatow. Wong Acheong was the owner of the Kwong-yek-loong Hong. He bought the ground and built the premises in 1856. He owned it still. Had not had anything to say to Wong Acheong's money affairs since he left in November 1857. Had not paid any money on his account since. Had paid the Ground Rent to Tchow-wun-yoong whenever the receipt was produced. Had not paid any since end of 1858. Had received about \$180 of the \$300 from Sum Ahing. Wong Acheong had said that having known her husband intimately she might keep that \$300. Her husband having been in the habit of paying the Ground Rent, she continued to do so when it was demanded. Her husband never had any share in the Kwong-yek-loong, neither had she. Wong Acheong had proposed to give her husband a share of the profits, but the promise was not fulfilled. Received the \$180 from Sum Ahing in small dribblets. Used to send her servant for them. Sometimes had rice and salt fish from the shop. Had entries of those payments in a book, but the book was burned at Namtow when it was attacked by the English. Never directed Sum Ahing to pay money for her to Mrs. Caldwell. Did not know by whom the Ground Rent had recently been paid. Told the persons who called for it to go to the Hong, as she could not afford to pay any more rent. Sum Ahing sent a message in reply that she need not be afraid that the Ground Rent would not be paid as the lease had been placed in a person's hands. The partners in the Kwong-yek-loong Hong at the time of the settlement were Lee-yu-hup (the name of a firm) and Wong Acheong. The Lee-yu-hup belongs to the 4th and 5th Mandarins—brothers. Sum Ahing had no share at the time of the settlement. Heard her husband say Sum Ahing had been engaged by the brothers to manage the shop. Her husband had been promised a share, but did not get it as he was soon afterwards apprehended. Had been promised this for his assistance in buying the ground and in the building. Her husband paid the money for the ground. Wong Acheong was present at the time—it was in her own house. Money was paid to Toong Alock, \$800. Had only seen one \$200 odd paid. Had seen no further payment. Did not know which of the two paid it. Wong Acheong brought the money from his boat. Wong Acheong was a native of Swatow in Chew-Chow, and in appearance was neither stout nor thin, and in height about 2 or 3 inches taller than Mr. Rosario. He was 30 odd years old. The name of her son was Wong-cheong Sin. Wong Acheong spoke Chew-Chow and Poon-ti. Could not name any respectable person in the Colony who was acquainted with Wong Acheong. Did not know where he was now. He was in the habit of going about the Coast. Knew Toong Alock. Had seen him when the money was paid. Her husband had been acquainted with him. The

name of the Lorchia chartered by Wong Acheong from her husband was the Kee-lung-poo-oan. It was chartered about the 5th year (1855). Her husband owned that Lorchia until she was wrecked the year before last. Did not know whether any body had a share in it. Had heard her husband say that Mr. Caldwell had lent a few hundred dollars to repair the vessel.

Su Asum.

The Council adjourned until the day after the next Criminal Sessions.

14th Sitting.

THURSDAY, 22ND NOVEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, corrected, and confirmed.

Mr. Caldwell, in reply to a question put to him by the Governor said, that on the Monday morning he went to Assow.—Assow did not come to him. He went to Assow because he wanted information as to the state of the premises formerly occupied by Sum Ahing, and he was aware that Mr. Martin the Auctioneer had sold the contents of the Shop by order of Assow.

Mr. May handed in his rough notes taken at the time of the statement made by Assow to him with reference to his knowledge of Wong Acheong. He stated that it was not possible that he could have mistaken Assow, who had distinctly assured him that he did not know the owner of the land upon which the Hong stood, or the person who borrowed money from Low Ashu, or any one of the name of Wong Acheong in connection with the premises. (No. 40 in Appendix.)

Read at Mr. Murrow's request translation of the letter found by the Police in the Kwong-yek-loong Hong addressed to the Lee-ü Hop at Kup-chee from the Kwong-yek-loong, and dated, 18th July, 1857. (No. 38 in Appendix as above.)

Mr. Power was examined as to the Memorial in the Land Office and the lease prepared by him conveying Section D. of Lot 83 from Toong Alock to Wong Acheong. He stated he was satisfied that both the parties were together in his presence when they signed the Memorial. He had no personal knowledge of Ma-chow Wong. Thought he prepared the lease and papers at the request of Toong Alock. The lease and Memorial were executed either in the Land Office or in Mr. Caldwell's house. The dates in the Memorial satisfied him that all the parties signed on the same day. Had no knowledge of a loan by Mr. Stace to any person in connection with the transfer of this Land, and had no entry of any such transactions in the books of the Office.

Mr. Power.

Mr. Caldwell requested that he might be allowed to see the Report made by Mr. Jarman as to the persons who, according to Sum Ahing, could give evidence.

The Governor said that Mr. Jarman's report contained nothing as to the facts of the case, but merely reported upon the occupations, characters, and abodes of the Witnesses,—and he did not think it desirable that the letter should be shown at this stage of the Inquiry to Mr. Caldwell.

Mr. Caldwell said he was particularly desirous to see the report as he could prove that Mr. Jarman had in the presence of Mr. May (to whom the Council had not thought proper to entrust the inquiry) fully examined the witnesses as to the facts and as to Sum Ahing's statements.

Mr. May begged in the most emphatic manner to deny that he had made any such inquiries, or that he had been present when any such inquiries had been made by Mr. Jarman. He trusted His Excellency would direct Mr. Jarman to attend.

The Governor said Mr. Jarman might attend on the following day.

The Council adjourned to noon to-morrow.

15th Sitting.

FRIDAY, 23RD NOVEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR.
The CHIEF JUSTICE,
The COLONIAL SECRETARY.

The Minutes of last Meeting were read, corrected, and confirmed.

Mr. Jarman.

Mr. Jarman, Acting Superintendent of Police, stated that he made the inquiries he was directed to make as to certain persons, by himself. Mr. May was not present; only one of the parties was examined at the Central Station, and Mr. May was not then present.

Mr. Caldwell said that after what Mr. Jarman had stated he felt bound to retract what he had asserted, and to express his regret for having made the statement. He gave up his authority, namely, the Tepo of Tai-ping-shan and one O-lo-yee, and Mr. Jarman was directed to make further inquiries as to these parties.

No. 41 in Appen-
)

Read 'Ng A-soong's statement as to the kidnapping case for which Sum Ahing had been convicted.

No. 42 in Appen-
)

Read also depositions in same case taken before the Acting Chief Magistrate.

Toong Alock.

Toong Alock, re-examined through Wong Ashing as Interpreter, stated, that Mr. Wong employed in the matter of the purchase of Section D. Mr. Power and Mr. Stace, as he wanted to borrow money from Mr. Stace. Before the sale of the land he Toong Alock owed Mr. Stace \$500, and it was agreed that Wong should take upon himself the debt which was due from witness. Could not tell why Mr. Wong employed Mr. Power instead of Mr. Stace. Assow never had any connection with this affair. He received the balance of the money \$300 in Wong's house in the market in two payments, once \$200 and once \$100. No one but the females of Wong's family were present the first time. There was only the same party that is himself, Wong, and the females present the second time. Wong paid Mr. Power for drawing out the papers. He handed the Crown lease to Wong to show Mr. Power. He got it back again. He gave Mr. Stace land security for his loan of \$500. It was a lot of land next the Chinese Joss House which he bought from Mr. Rienaecker. He got the security back from Mr. Stace the day after the sale of Section D. to Wong. Believed Wong deposited the lease of Section D. with Mr. Stace as security. Does not know whether Wong paid off Mr. Stace. Received Ground Rent from Mr. Wong first time. Gave receipt made out to Mr. Wong: not to Wong-kum-kee. Does not know Wong-kum-kee. If Wong-kum-kee's name was in the receipt, must have been put in by his Bookkeeper. Perhaps the Bookkeeper knew him by that name. Cannot write or read, can only write his name. Saw the receipt, and put the seal on it. Bookkeeper was now dead, had been killed in a fight. Mr. Wong he believes was transported. Knew Tchow-wun-yong of 289 Jervois Street. Tat-kee Shop sold lot 83 to him. Had not been to him lately about this inquiry. If Tchow-wun-yong says so however he says what is true;—as he now remembers he did call on him about the time of his visit to Canton, but cannot recollect the date; thought it was about the 9th of last month. Knew the

man well, and so called on him occasionally. Tchow-wun-yoong told him he had been sent for to the Office of Government, and asked him if he witness had been up. He said yes, and told him not to fear as it was only a small matter. When he sold lot 83 to Tchow-wun-yoong told him he was to collect the Ground Rent from Mr. Wong for Section D. Tchow knew Mr. Wong. Never told Tchow-wun-yoong to go for the rent to Ma-chow Wong's wife. He called a second time on Tchow-wun-yoong after he had been up, but only to smoke opium. Tchow told him he had told the Governor that he had collected rent once from the Hong, and once from Mr. Wong's wife. Could not remember where he signed the lease. Thought he did so in Mr. Power's Office. Never saw Mr. Wong sign any document. Thought at the time Wong bought it for himself. Believed the Mr. Wong he dealt with was the man who executed the deeds. Thought so from no other person having appeared in the whole transaction. Repeated that no one was present when the bargain money was paid, except himself, Wong, and his family. Wong Acheong may have signed the lease the same day as he did, but at all events not at the same time or place. Signed the lease first, and then left it. Mr. Wong's name was not then to it. It was at Mr. Power's Office that he signed the lease. He had seen Ma-chow Wong at his trial, and recognized him then as being Mr. Wong. Could not explain why he had said at his previous examination that he did not know Ma-chow Wong, and had never seen him. Knew Sum Ahing. Heard that he had been accused and arrested for debt. Was asked to bail him, but declined. Was asked by Sum Ahing's friend. Did not know the friend's name. Sum Ahing was bailed out by Toong Asee. Declined to bail Sum Ahing because he was very busy. Did not know the second bail. Toong Asee was a clansman of his.

Toong Asee.

Mr. Jarman reported that he had seen the Tepo who stated that he never told Mr. Caldwell or any one else that O-lo-yee had told him as to the alleged proceedings at the Police Station. Took the Tepo with him to O-lo-yee, who declared that he had never spoken to the Tepo on the subject nor to any other person.

Co-aping, witness to the money paper between Low Ashu and Wong Acheong, attended to explain its execution. Before he was called in Mr. Caldwell said he had ascertained the name of this witness from Low Ashu the previous evening, and had sent for him to his own house this morning where he had asked him as to the execution of the paper.

Co-aping.

Co-aping, examined through Wong Ashing, said—Had not seen Mr. Caldwell lately, but had received a message by Mr. Caldwell's coolie to come up to the Council at 12 o'clock to-day—was quite sure he had not seen Mr. Caldwell. The witness afterwards admitted that he had been to Mr. Caldwell's house that morning, and had seen him there. Had before denied it because he did not remember well and spoke too fast. Shortly after witness again denied that he had seen Mr. Caldwell at his house that morning, saying that he had only seen his servant who told him to come up to Government Offices to-day.

Mr. Caldwell then, on being requested so to do, addressed the witness and asked him how he could deny having seen and spoken to him this morning, when witness again admitted it. He accounted for his contradictory statements on the subject by saying he was frightened and could not remember clearly. Could however give no account of what took place at the interview between himself and Mr. Caldwell. His memory was not good. Had seen Low Ashu and spoken to him about the red paper. This was about a month ago. Low Ashu had told him he must come up before the Council and tell what he knew about Wong Acheong—that was all Low Ashu said, except that he was to be very particular to speak the truth. Mr. Caldwell sent for him about 8 o'clock this morning. The money was paid to Wong Acheong at Low Ashu's house and Low Ashu, his rent collector and witness were the persons present. Witness signed his name as witness to the red paper.—He was directed to write his own name and also Wong Acheong's at Council table which he did.

The Council adjourned to to-morrow at noon.

16th Sitting.

SATURDAY, 24TH NOVEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, corrected and confirmed.

Mr. Murrow applied that Mr. Caldwell should be requested to produce all accounts of joint speculations between himself and Ma-chow Wong, also the accounts of the lorch Kee-lung-poo-oan whilst owned by Mr. Caldwell.

Mr. Caldwell said that he had not any of these papers. It had been his misfortune through life to keep very few accounts.

Mr. Murrow said he should prove that when Mr. Caldwell owned the lorch Kee-lung-poo-oan she was engaged in piracy.

Mr. Murrow referred in further support of Charge 3 to the following portions of Mr. Inglis' evidence before the Caldwell Commission of Inquiry:—

Ma-chow Wong has been some times up in my office, and has given me information in the presence of Dr. Bridges and Mr. Caldwell—he has also given me information personally in the Gaol—he has also, I rather think, given Mr. Caldwell information, who has come for that purpose to the Gaol. I can say nothing further on this point. I recollect Akü, the Police Court Interpreter, being charged with extortion, and that Pang Poi-yeen, a convict, and another convict gave evidence against him. I cannot say of my own knowledge that Ma-chow Wong had any connection with the case, but I recollect it was reported to me at the time by the turnkey, that Ma-chow Wong was very busy going about amongst the prisoners, and that the impression was in Gaol, that he was at the root of the matter.—*Mr. Inglis' Evidence, pages 58 and 59, Caldwell Commission Report.*

I recollect Mr. Caldwell coming to the Gaol to examine convicts. I have sent notes to him on more occasions than one, at the instance of the Acting Colonial Secretary. I cannot say how many times he may have come on such business. He had several interviews by the Acting Colonial Secretary's authority, and the other occasions when he came for the purpose of examining prisoners, may have amounted to half-a-dozen times, or perhaps more. I have a very bad recollection as to dates—and without referring to my books, I could not say that he has not been there in the early part of the year—he has not been lately. I can't say that I said I was much embarrassed by Mr. Caldwell's caprice—arrest and liberation of persons under the deportation ordinance, but I recollect perfectly well of complaining of the number of prisoners sent in on Mr. Caldwell's warrant. I said words to that effect, although these are probably stronger than I would use. I recollect perfectly well animadverting on the practice of sending in prisoners, and detaining them for lengthened periods of time untried, by Mr. Caldwell. In consequence of that minute they were nearly all discharged almost immediately after—there may have been one or two remaining. I think we have received other prisoners on Mr. Caldwell's warrant, but there have been no more minutes nor liberations. *Ibid, page 60.*

Ma-chow Wong has requested me to send for Mr. Caldwell, and I have done so. I recollect first when Ma-chow Wong was committed to Gaol, he requested to see Mr. Caldwell, and, I think, I did sent or wrote to Mr. Caldwell mentioning the fact. It was before his trial, I think, and, I think, was for the purpose of seeing him concerning his defence, which is a privilege granted to all prisoners committed for trial. I forget whether he applied to me for the permission, but Mr. Caldwell has seen him on some occasions since his trial.—*Ibid, page 60.*

Also to Mr. May's evidence before the same Commission :—

I have heard the Attorney General's statement and concur with it. Until addressed by the Attorney General I never expressed any opinion to the Attorney General, or to any high Government Officer, on the subject of the impropriety of the intimacy between Mr. Caldwell and Ma-chow Wong. It will be observed by my evidence, that I was in no way a participator in this intimacy, and that I always when I had occasion exhibited my sense of the impropriety of the acquaintance, and full intent of bringing Ma-chow Wong to justice when I had opportunity. Shortly after resuming my office of Superintendent of Police, in January, 1858, a Chinaman presented himself to my office late one afternoon, and said that he wanted police to go to Stanley to apprehend some men on suspicion of murder of a Chinaman, whose name I knew, and whom I knew to have been the principal witness in the Stanley treason case. I questioned the man, ascertained that he had no knowledge but from hearsay, and told him to bring any person to me who could give information of the act, and measures should be taken. The next day on seeing the Colonial Secretary at Government Office, the Colonial Secretary said, "You go to Mr. Inglis at the Gaol, he will give you some important information on the Stanley murder case," and informed me they had taken three men on the charge

of murder. I said "No men have been apprehended, but I will go to Mr. Inglis." I did so, and Mr. Inglis said, "I am quite certain that three men have been apprehended, because a Chinaman who has been employed in the matter, states that he saw the three men in custody at Stanley last night." We had some further conversation in which he mentioned that two Chinamen then in Gaol, under Ordinance 2 of 1857, supposed to have been connected with the treason case, had caused this information to be given, upon which the Acting Colonial Secretary and police had been previously acting, but strangely that they wanted to mix Ma-chow Wong up with the matter, and hoist him out of Gaol on the credit of his information. I judged from what Mr. Inglis told me, that there was an intrigue within the Gaol walls to give an apparent cause for the pardon of Ma-chow Wong, and that he, Mr. Inglis, opposed himself to the intrigue. I do know that parties of police went to Stanley on the information derived from the Gaol, that military at Stanley were called out to assist the police, and that very many houses at Stanley were searched at dead of night. One of the cases then occurred in which police acted without any order from me, or knowledge of the mode in which they were acting, or directions as to how they were to act, which resulted in the apprehension of two or three men on a charge of murder, which case broke down at the Police Court. The last scene of the farce was the apprehension of some of the informants for apprehending two men on the charge of murder, and then attempting to extort money from them; that case was, I think, decided by the Chief Magistrate.—*Mr. May's Evidence, page 55, Caldwell Commission Report.*

And to the following extract from Dr. Bridges' evidence in the case of Regina v. Tarrant printed in the Blue Book:—

Attorney General.—Do you remember a letter of mine complaining that the Government had ordered all Ma-chow Wong's property to be given up to his concubine, and that she now traded therewith?—*Dr. Bridges.* I will not say there was no such letter, but I do not remember it.—*Blue Book, page 338.*

Read depositions in charge of extortion in the market against Afoo and another before Mr. Mitchell; also depositions in two other cases of a similar character.

(No. 43 in Appendix.)
(Nos. 44 and 45 Appendix.)

The Governor asked Mr. Caldwell what he knew about the case. Mr. Caldwell explained that on the reconstruction of the Central Market there being many applicants for the Fish Lans, lots were drawn for them and Afoo and another man became the occupiers and paid their rents regularly. Afoo did not succeed to the lan Ma-chow Wong had, nor was there any connection between the two. It was not the same lan or situated in the same part of the Market, although it was called by the same name, the Kee Kee. Before the passing of the Market Ordinance Ma-chow Wong, the occupier of the old Kee Kee, used to exact certain fees from fish sellers, and although these fees should have ceased on the passing of the Ordinance, Afoo and the other man exacted them in the same way as Ma-chow Wong had done. In consequence the legal proceedings referred to in the depositions just read had been taken. Ma-chow Wong had no lan after the re-arrangement of the Market, which took place subsequent to Ma-chow Wong's conviction.

Mr. Murrow explained that his charge was, that Mr. Caldwell had helped these men to the occupation of the lans; and that there was some connection between them and Ma-chow Wong.

Mr. Cleverly, Surveyor General, was examined as to the mode in which the Fish Lans were let on the passing of the Market Ordinance. He stated that on the re-arrangement of the Market the shops were let by auction, the stalls were drawn for by lot, and the fish lans were assigned to applicants. There was no competition for the fish lans; so they were not treated as the stalls and drawn for by lot. The Ordinance and the By-laws were published in Chinese and circulated largely. A copy was given to each lan. They were also posted up in the Market. Never heard of any other than this lan levying illegal fees or commission.

Mr. Cleverly.

Mr. Caldwell stated he was not aware until Afoo's case was heard at the Police Court, that the demand of fees was not warranted by the Ordinance.

Mr. May stated that he thought Mr. Caldwell came to the Police Court to defend the prisoners. Mr. Mitchell was of the same opinion, and they both felt deeply grieved at the presence of Mr. Caldwell in the Court during the hearing of the case, and at his defending and upholding the extortioners.

Mr. Caldwell stated he had not appeared for one party more than another.—In reply to Mr. Murrow he said that the only assistance he gave Dr. Bridges in the case of the action for damages against Mr. Mitchell by Afoo was to translate two or three Chinese

papers. He did this gratuitously as a favour to Dr. Bridges. Did not remember having had any conversation with Dr. Bridges as to the man called the Tiger without teeth. Had known the man for several years as the keeper of a cake shop in the Market; and on the re-arrangement of the Market he became the keeper of one of the fish lans. Could not tell when he ceased to hold the lan.

Nos. 46 and 47 in
endix.) Read affidavit by Dr. Bridges in case of Afoo v. Mitchell; also affidavit by Mr. Rosario in same case.

Mr. Rosario. Mr. Rosario examined as to his affidavit referred to, stated that on his going to the lan he saw a paper in writing stating that it was Attai's lan. The paper had on it Mr. Caldwell's initials. It was shown to him as the license for the lan. He knew that Attai was not the name of the holder of the lan.

Mr. Murrow said he had now closed his evidence in support of Charge 3, and he would proceed with charge 7 at the next meeting.

The Council adjourned to Monday next at noon, unless the English mail should arrive in the mean time (which it did.)

17th Sitting.

MONDAY, 3RD DECEMBER, 1860.

The Executive Council met to-day at noon, by Special Summons.

PRESENT:

His Excellency The GOVERNOR.
The CHIEF JUSTICE.
The COLONIAL SECRETARY.

The Minutes of last Meeting were read, and confirmed.

The Governor asked Mr. Taylor, Master of the ship *Singapore*, if he had any information of importance to give the Council upon the subject of the present inquiry.

Mr. Taylor. Mr. Taylor said he had nothing more to tell beyond what appeared in his log book as to the capture of his ship by pirates in 1849. He did not hear whilst he was in captivity who were in correspondence at Hongkong with the pirates; all he knew was that the persons who were there were Chinese from Hongkong, who spoke good English. He knew nothing of either Mr. Caldwell or Ma-chow Wong.

The Governor announced to Mr. Caldwell that as a change had now taken place in the constitution of the Executive Council, it was desirable that an answer should be given to the charges which had already been gone into, and that that answer should be given within a reasonable time. A copy of the Minutes would be given to Mr. Caldwell, and he would be allowed access to any documents which had been produced.

The Council then adjourned to Friday, the 21st Instant,—Mr. Caldwell stating that he required a delay of three weeks before commencing his Defence.

18th Sitting.

FRIDAY, 21ST DECEMBER, 1860.

The Executive Council met to-day at noon.

PRESENT:

His Excellency and all the Members, also Colonel De Sausmarez.

The Minutes of last Meeting were read, and confirmed.

Lee-chop-lam. Mr. Caldwell was then called upon to proceed with this Defence. He produced as a witness Lee-chop-lam, of Kupchee, who was examined through Wong Ashing, and

stated,—Had always lived at Kupchee. Sometimes went by name of Lee-see-yeh and Lee-low-see. His given name was Lee-yun-sum, and his relations always called him by that name. He was the fourth son, and was therefore sometimes called See-lo-yeh,—See meaning Fourth, and Lo-yeh Esquire. Was never called Sum-yun-lee. His family name was Lee. The name of his Hong in Kupchee was the Lee-yu-hop. Had no other Hong there. Had many stores but they all went by the name of Lee-yu-hop. Was sole owner of the Lee-yu-hop. Always had been so. Had five brothers, and he came No. 4 on the list. All his brothers were dead but No. 6. The first, who died nine years ago, was Lee-chuk-tong. The second was Lee-chuk-leong, he took honours and died five years ago. The third, Lee-mun-kong, died thirteen years ago. The fourth was himself. The fifth was Lee-chuk-chee, he died last year, was killed by pirates, 26th day 2nd moon. The sixth Lee-chuk-my, was alive and at present in Kupchee keeping a school. Had no adopted brothers. Had two sisters, the elder married a man named Lum, and the younger a man whose surname was Cheong, who was a graduate of the 2nd degree. Both were in Kupchee and alive. Knew a man of the name of Sum Ahing, but was no relation of his. Sum Ahing came from Ka-hing-shee, a place seven days' travel from Kupchee. Had seen him last in 1858 in Hongkong in a Hong. Seldom came to Hongkong, but has had business transactions there. Has not had any however since 1857. His agents here were Sum Ahing and Lum his sister's son. His fifth brother had come to this Colony with a man named Wong Acheong in the 2nd moon of the 7th year (March 1857.) The man named Wong Acheong had met his fifth brother at Swatow, and had told him that he had a Hong in Hongkong, and asked him to join with him in doing business there. His fifth brother had replied that if a large sum of money were required then he must apply to his fourth brother (the witness) who was the moneyed man of the family. Wong Acheong said \$2,000 would be sufficient to enable the fifth brother to become a partner. The fifth brother returned to Kupchee, and told him of this conversation in the 2nd moon of the 7th year. At this time the fifth brother was Captain of a vessel carrying oil cake to Swatow. He found the money, \$2,000, and the boat sailed for Hongkong with the money, in charge of the fifth brother, who then entered into business with Wong Acheong. Knew Wong Acheong. Had seen him for the first and only time in the 12th moon of the 7th year (January 1858.) Wong Acheong then called at witness' house in Kupchee and told him he had shut up his Hong in Hongkong, and had lost all his money. Wong Acheong had told his fifth brother that he had a man of his own clan in Hongkong, named Wong Akee, a well-known man, who had no money, but who would for a share of the profits see that every thing was done all proper. They commenced doing business with a capital of \$4,000 in the 6th moon of the 7th year—\$2,000 of the capital being found by the fifth brother, and \$2,000 by Wong Acheong. The man Sum Ahing, who had no business in Kupchee, had come to Witness and begged of him to employ him as his agent in Hongkong. He refused because he knew that Sum Ahing was not a proper man. Sum Ahing then came to Hongkong, and told Wong Akee and Wong Acheong that he had been sent by witness to take charge. At this time his fifth brother had gone a trip on the coast. In the fifth moon, while the Hong was under charge of Wong Akee and Sum Ahing, there was something going wrong, and the Government arrested both. Sum Ahing was then discharged from custody, and told a number of lies. Had never consented to Sum Ahing's employment, and as soon as ever he had heard that he was acting as his agent he had sent down Lum, his sister's son, as a check upon him. Had not invested any money beyond the \$2,000 in the speculation, but there had been 400 bags of sugar landed from his brother's boat, and put into the Hong, and Sum Ahing had told him they had been taken by the Government. Lum returned to Kupchee, and told him all the money had been lost. He had a mind to come to the Colony, but was afraid to do so as he did not know the ways of the Colony, and so waited until his fifth brother, who was absent, should return from Tientsin. In the 10th moon of 7th year his fifth brother and Wong Acheong came to the Colony to settle matters with Sum Ahing, and found he had lost every cent. On the 26th day of 2nd moon of last year (March 1859) Wong Acheong, the fifth brother, and his (Witness') grandson about 22 years of age, were in a boat on their return to Kupchee from Chew Chow, and were attacked by Mo-mie-ma, the pirate chief, with seven boats, and all three were either killed or jumped overboard and were drowned. The crew of the boat were subsequently released, and came and told witness of the fate of the three persons. When Witness came to the Colony he ascertained that Sum Ahing was carrying on business in the Cum-yu-loong Hong on his own account. He went to the Hong and found fish being carried in there. It was the same house as the old Hong, the Kwong-yek-loong, but the name had been changed. The Kwong-yek-loong was the Hong established by his fifth brother, Wong Acheong and Wong Akee. They had two-fifths, two-fifths, and one-fifth shares respectively. It was in the 2nd moon of 8th year

Lee-chop-lam.

(March 1858) that he had come to Hongkong. The only time he had ever seen Wong Acheong was in the 12th moon of the 7th year (January 1858.) Wong Acheong then called on him in Kupchee to tell him of the result of the Partnership in Hongkong. He said the Hong had been closed and every cent lost. He blamed Sum Ahing for it, and said if he ever saw an opportunity for trading successfully, he would again go into Partnership with the fifth brother. When Wong Acheong was on his way to Kupchee with the fifth brother and grandson, it was for the purpose of asking him to advance money to commence a Hong at Swatow. They were all lost as already described. He was told of their object by the crew who were saved. The only persons lost were the three who jumped overboard. Had no talk with Wong Acheong the only time they met except as to the unfortunate result of the partnership, and Wong Acheong explained that he had not caused it. Wong Acheong had told his fifth brother that he had a piece of land in Hongkong, and either had built or was going to build a Hong upon it. Had told his fifth brother so when he wanted him to become a partner. Wong Acheong had made no definite arrangement as to the rent, but said it could be settled between them when they had ascertained the extent of the business and the profits of the Hong. Wong Acheong was about 36 or 37 years of age. Witness was sometimes called Seeko, generally by Chinese officials, meaning fourth elder brother. Did not know Wong Akee's wife, and so could not have given her a share of the Hong for pity. Did not know whether his fifth brother knew her. Did not know anything about the 180 bags of Sugar. The 400 bags referred to were landed about the 4th moon of the 7th year.

Sum-ahing.

Sum Ahing called in,—confronted with last witness, and after a time recognized him as Sum-yun-lee or Seeko, the person referred to in his evidence on a previous day. They were adopted brothers. The last witness was the person who gave $\frac{1}{3}$ of the Capital and profits to Ma-chow Wong's Wife. Had seen him the year before last in Hongkong, being the Master when he received the order as to Ma-chow Wong's Wife he obeyed it. He received the order in the 5th moon of the 7th year. Had seen Seeko twice in Hongkong. The last time was in 1858. Seeko was the Master who paid all the money. Had seen his fifth brother here, heard that in 2nd moon of last year he had been killed by Pirates; heard that a nephew had been lost also. Had known Seeko's fifth brother by name of 'Ng-low-yeh. 'Ng-low-yeh did not command the boat that landed the Sugar at the Kwong-yek-loong. The Commander, who was also owner, of the boat from which the Sugar was landed, was Lee Achoy. Had never told Seeko that the 400 bags landed from the fifth brother's boat had been taken by Government. There never was any one connected with the Hong that was called Wong Acheong, except Ma-chow Wong's Son, who was about 12 years of age. Had arrived in Hongkong on 1st day of 5th moon. The Hong was opened in the 4th moon of 7th year.

The Council adjourned to Monday, the 24th Instant, at noon.

19th Sitting.

MONDAY, 24TH DECEMBER, 1860.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency and all the Members, also Colonel De Sausmarez.

The Minutes of last Meeting were read, and confirmed.

Lee-chop-lam.

Lee-chop-lam, (Seeko) recalled and examined by Mr. Caldwell, through Wong Ashing as Interpreter,—The money for building the Hong, and for the purchase of the land, was not paid by him. Wong Acheong had told his fifth brother that the land was his own, and that he had built the Hong. Did not know when the fifth brother and Wong Acheong first became acquainted. It was in the 2nd moon of the 7th year that Witness first heard of Wong Acheong, when his brother spoke to him about joining Wong Acheong in the Hong. The fifth brother said he had met Wong Acheong at Swatow or Chew Chow. Wong Acheong used to charter vessels and go in them himself. Wong Acheong once chartered a vessel belonging to Witness. Vessel was called Lee-ya-sen, but was destroyed by Pirates. Lum, when he was sent down as check upon Sum Ahing, did not know the whole affair of the Hong. He was to oversee the business and look after Sum

Ahing; but he did not know the shares. He found Sum Ahing managing and almost as soon as he arrived, the Sugar case occurred. He had told Lum that he owned 2-5ths, Wong Acheong 2-5ths, and Wong Akee 1-5th. Wong Acheong was at Tien-tsin with the fifth brother, and Witness wrote to Swatow to his Brother about the state of things in Hongkong, and the fifth brother and Wong Acheong came to Hongkong direct from Swatow without calling at Kupchee. After the 400 bags of Sugar were taken out of his Brother's boat to lighten her, the boat proceeded with the remainder to Tien-tsin in company with two other boats, the property of Witness and laden with sugar. He told his Clerk to report the Piracy case in which his fifth brother lost his life to this Government and to Mr. Caldwell; but on the Clerk's arrival here, he found Mr. Caldwell away in a man-of-war after pirates. Never made any communication to Mr. Caldwell about what had happened. First knew Mr. Caldwell in the 6th year (1856). Met him at Swatow. Mr. Caldwell had gone up to a Hong in which his goods were stored, and bought some sugar from him. The man who kept the Hong was a native of Heangshan named Yuen Massang. Again saw Mr. Caldwell early last year when Mr. Caldwell was in a man-of-war attacking the Town of Kupchee. Had not seen Mr. Caldwell in the meantime. Did not see him when down here in 1858. He next saw Mr. Caldwell in a man-of-war steamer at Kupchee on the 3rd day of the 3rd moon of last year, about a week after his brother had been killed. Went on board the steamer to report his brother's case, and found Mr. Caldwell there. Reported his brother's case to Mr. Caldwell, but said nothing of Wong Acheong, or the grandson. Did not report these persons' deaths because Mr. Caldwell was not a Chinese official, also because he was so full of trouble about his brother's death. Lum was at present in Kupchee. Did not think that Lum had ever seen Wong Acheong. When Lum arrived here Wong Acheong was away in his boat; and when Wong Acheong came to Kupchee he went to witness' private house which is a little way in the country, and where Lum did not live. Did not know any one alive at present who had ever seen Wong Acheong, but will enquire. The boatmen must have seen him; but he did not know where they were now. Did not know whether Sum Ahing had ever seen Wong Acheong, but thinks not. When asked who Wong and his fifth brother had seen when they came down in the 10th moon of the 7th year said he supposed Sum Ahing must then have seen Wong Acheong, but he did not know for certain that he did. The name of the pirate who captured his brother's boat was Mo-mee-ma. Did not know what had become of the pirates' boats. Thought none were taken. Did not know if any villages were attacked, or that any of the stolen goods were found there. The man-of-war was about to attack a village when Witness being afraid that some good people might suffer said he had received compensation when he had not. He thus saved the village being attacked. Never received anything from the village. Went in the steamer to this village, which was not far, about 8 miles off. The name of the village was Hu-tung.

Mr. May called attention, as bearing on this subject, to the following report from Captain Wynniatt, as published in *Gazette* of 16th April, 1859:—

No. 38.

GOVERNMENT NOTIFICATION.

The following Report of an Expedition against the Pirates infesting the waters adjacent to this Colony is, by direction of His Excellency the Governor, published for general information.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 11th April, 1859.

(Copy.)

LETTER OF PROCEEDINGS.

Nimrod, HONGKONG, 9th April, 1859.

SIR,—In obedience to your orders, I proceeded in company with H. M. Gun-boats *Forester* and *Janus* to Cupchi, accompanied by Mr. Caldwell, Registrar General, off which place we arrived at 10.30 A.M., on the 4th inst., having been detained 24 hours in Chimo Bay from stress of weather. On arrival we were welcomed by the Elder of the Town, who related to us the atrocities which had been committed in his district by the miscreant Pirates, he having lost a brother and nephew, besides property to the amount of Five Thousand Dollars, a portion of which had been disposed of at Hutung. He also informed us that the Pirate force consisted of Seven Junks, commanded by the noted chief Momema, who, Mr. Caldwell states, has been at the head of Piracies in these Waters for the last five years. Receiving on board the Elder of Cupchi, who was most anxious to accompany us, we proceeded to Chelang, but found they had gone to Sea or had gone South. I therefore proceeded to Bios Bay, but found they had not been there for some time.

From the information that we had gathered from the Fishermen, there remained no doubt that having landed a part of the Cargoes of the captured Junks at Hutung, they would endeavour to land the remainder there as soon as they had ascertained we had gone away.

On the following morning I returned to Hutung, and landed with the armed Boats, and through Mr. Caldwell demanded that they should deliver up the Cargoes. They admitted that a portion of the Cargo, to the amount of Two Thousand Dollars, had been landed there, but was not there at that time, excepting 200 bags of Sugar, which had been ransomed by the Owner. I therefore, with the concurrence of Mr. Caldwell, told them that they must pay an indemnity of One Thousand Dollars, giving two hours for consideration, at the end of which time, if my demand was not acceded to, I should set fire to the Town. Having waited two hours and upwards without their shewing any signs of coming to terms, I fired a few Rockets at intervals over the Town, when they ultimately consented to pay the money by a given time, upon which I returned to the ship, informing them that unless the agreement was fulfilled I should adopt more severe measures in the morning. At 10 o'clock P.M., a Boat came on board with a Note for the amount, duly attested by the Elders of Cupchi, who were perfectly satisfied, and expressed their thanks for the service we had rendered them.

In conclusion, I must beg to bring to your notice the zealous manner the duties were performed by the Officers commanding the Gun-boats.—I have the honour to be, Sir, your obedient servant,

(Signed) R. J. WYNNIATT,
Acting Commander.

Captain J. J. McCLEVERTY, C.B.,
Senior Officer.

Mr. May then called attention to the following passages in "Appendix (A)," printed at pages 82 and 83 of the Blue Book, and headed "Ascertained by Inquiry;" namely:—

He [Ma-chow Wong] forms partnership with the pirate chiefs Luk-i, Po-pak-shing, Shang-toong-wai, Tai-fai-oot, Mo-mee-ma, and others.—*Blue Book, page 82.*

Shang-toong-wai was charged with piracy last year in the police court, through some management of Wong-ahkee the man got off. The prosecutrix was promised she would get back her boat when Shang-toong-wai came out from the jail, and it is said that when the prisoner came out, Wong-ahkee turned his back against her, and the old woman was obliged to walk away quietly, not daring to say one word more about it. It is further said that, having no money to pay lawyer's fees, Wong-ahkee sold some of the guns belonging to that boat. This vessel was immediately fitted up again and given over to the pirate chief Mo-mee-ma, who went out committing piracies.—*Ibid, page 82.*

On account of his connexion with the pirates being so extensive lately, that he is obliged to open a hong to receive the property plundered by the pirates, and he has lately joined in partnership with a Chin-chew man, known as Lee-sook, in opening the shop called Kwong-yik-loong on the Strand Road, to receive the stolen goods.—*Ibid, page 83.*

Also, to the following extract from Mr. Anstey's Letter of 10th June, 1859, to the Secretary of State:—

And, in continuation of the same letters, I have also to direct your attention to the official report, of a letter of Command Wynniatt, R.N. still later raid, against Hee-tung, another peaceful town on the Chinese coast, conducted in like manner by Her Majesty's ship "Imrod," 9th April 1859, in the "Hong-kong Government Gazette" of the 16th April 1859. Mr. Caldwell, on the 4th April last, in his described character of "Registrar General" of Hongkong, distant about 120 miles from the invaded town.

On his sole and unsupported information, and with no person present to check him, even as interpreter, Her Majesty's gun-boats "Forester" and "Janus" were employed on that occasion to obtain from the Chinese town reparation of losses, said, but not proved, to have been suffered on the high seas by Mr. Caldwell's alleged informant, a Chinaman from Kup-chi (not a British subject, and entirely unconnected with Hongkong), at the hands of the squadron of "the pirate Momema," "who," writes Commander Wynniatt, "Mr. Caldwell states, has been at the head of piracies in these waters for the last five years."

If he had said, that Momema is the pirate named in "the Beaver papers," according to Dr. Bridges' own evidence, as one of the parties to a feud, in which the arbitrament of Mah Chow Wong, Mr. Caldwell's partner, had been set at naught, I fear that the statement would have been much more to the purpose.

No attempt was made by Mr. Caldwell to connect that pirate with the towns people of Hutung, beyond his own assertion that "they admitted that a portion of the cargo," alleged to have been captured by Momema, "had been landed there;" a pretext which would justify a daily bombardment, by Chinamen and Portuguese, of the capital of Hongkong, the city of Victoria.

Upon such grounds, a claim of "indemnity" was nevertheless made against the town, for Mr. Caldwell's Kupchi client, to the amount of 1,000 dollars, payable within two hours, under menace of "setting fire to the town;" and it was enforced by "firing rockets over the town;" the damage done not being stated.

Had the evidence of the "Kupchi Elder" been as conclusive as it is worthless, the guilty knowledge of the townspeople as clearly established as it is doubtful, and the motives and conduct of Mr. Caldwell as far above suspicion as they unquestionably are not, still this raid against Hu-Tung would be as indefensible as the Namtao outrage, to which it is a sequel.

"In both cases there was a levying of private war."

And private war is not only a violation of the late treaty of peace; but, in the eye of the law, it is piracy.—*Blue Book, pages 417 and 418.*

Mr. May considered that the evidence now given before the Council confirmed generally the truth of the statements in "Appendix (A)."

Mr. Caldwell stated that at the time he did not know that the Witness (Seeko) was a partner of Ma-chow Wong.—He further stated, in reply to questions put to him, that he had gone up the Coast on account of other piracies and happened to call in at Kupchee, where he was informed by Seeko (who came on board) of the attack which had been made by Mo-mee-ma, and which resulted in the death of Seeko's brother. He had known Seeko before, but not by the names given to him by Sum Ahing. The expeditions against pirates were under his (Mr. Caldwell's) directions as far as searching for pirates, but not as regarded the fighting part.

Witness was directed to withdraw.

Ching-ayun, a bookkeeper in the Salt-fish Lan in the Western District, called by Mr. Caldwell, and examined through Wong Ashing,—was formerly accountant in the Cum-yu-loong Hong. First joined the Hong on the 1st day of the 9th moon of the 7th year. Was employed by Sum Ahing, who told him that Wong Acheong and 'Ng-low-yeh of Kupchee were partners in the Hong. Knew both Wong Acheong and 'Ng-low-yeh, but not before the 11th month of that year when they came down here. They came to settle with Sum Ahing. Does not know whether they did so, but the three of them went upstairs and took the books with them. After they settled they went away. Witness remained as accountant until the 8th year. The books were sent to him back. Wong Acheong and 'Ng-low-yeh said they did not want to continue the Hong, and gave it to Sum Ahing. Sum Ahing then conducted the business in his own name. Nothing was written on the books to show that a settlement had taken place. Examined the books and found no entry. Remained on as bookkeeper until the beginning of the 8th year. Sum Ahing ordered him to write out a rent book to pay \$50 a month to Low Ashu. The Hong belonged to Wong Acheong, who borrowed \$2,000 on it from Low Ashu. Overheard this from Wong Acheong and 'Ng-low-yeh. Saw this rent paid for some months to Assow. Left the Hong in the 11th moon of the 8th year when the rent was some months in arrear. When accounts were settled between Wong Acheong and the others, there were several hundred dollars due to Wong Acheong. Wong Acheong on going away gave a book to Akee's wife and told Sum Ahing to pay the amount to her. Wong Acheong came from Swatow and could speak the Puntli language. Knew 'Ng-low-yeh's elder brother. First knew him about the 3rd moon of the 8th year. He came to the Hong to look after his interest having been a partner in the Hong. Said he wanted to discontinue the business. Came to call on Sum Ahing as an old partner. His book bore the name of Wong Acheong. Whenever he paid money to Wong Akee's wife he entered it against Wong Acheong, and it went against the balance due to him. He made the entries himself in the Books. A female servant of Ma-chow Wong's wife used to come for the money. Thought about \$300 were paid to Wong Akee's wife. There were no entries in his books in the name of Yow-hop, nor any in the name of Shaplock. Had never seen the books of the Hong, stated to have been obtained from the Supreme Court, but had opened new ones. Knew Ma-fung-chun. He chartered a Towman boat from Wong Akee to carry goods. He was in the habit of bringing goods to their Hong. Remembered a conversation between Ma-fung-chun and himself in the Hong, that he was about to purchase a vessel belonging to Wong Akee. Ma-fung-chun did not buy the vessel, because the boat on its arrival here was boarded by some persons dressed as Europeans, and all the money robbed amounting to several thousand dollars. The vessel robbed was the one chartered by Ma-fung-chun. This vessel, the name of which he could not remember, was afterwards destroyed by a typhoon at Swatow. Never saw Wong Acheong after the 11th moon of the 7th year. Knew Ma-chow Wong or Wong Akee. Ma-chow Wong was not the same person as Wong Acheong. Believed Wong Acheong was alive in Swatow. Heard in the 2nd moon of this year from some of Wong Acheong's countrymen that he was alive at Swatow, his native place. Had not much conversation with his informant. Only asked "Well, Sir, how is my old master Wong Acheong?" He replied, "he is quite well, and at his native place."

Cross-examined:—Before he joined the Hong lived in the Colony. Was told by Sum Ahing that the Hong was owned by a man named Lee from Kupchee. When he was a bookkeeper Ma-chow Wong had no share. The books he kept did not show who were the partners in the Cum-yu-loong Hong. When Sum Ahing settled accounts with 'Ng-low-yeh and Wong Acheong they were not on good terms. When he joined in the 9th moon as bookkeeper, he opened new books. Wong Acheong and 'Ng-low-yeh were partners in the Cum-yu-loong until the 11th moon of the 7th year when the settlement took place upstairs. There was several hundred dollars due to 'Ng-low-yeh at that time as well as to Wong Acheong. As much was due to 'Ng-low-yeh as Wong Acheong. Can point out no one in the Colony who ever saw Wong Acheong. Does not know that anything was allowed to Wong Acheong for rent. When he took charge of the books there were two partners, Wong Acheong and 'Ng-low-yeh only. Sum Ahing was manager at that time. When Seeko called at the shop in the 2nd moon of 8th year, he said he had had some sugar in the Hong.

The Council adjourned to Wednesday, the 26th Instant,—Mail not arriving.

20th Sitting.

WEDNESDAY, 2ND JANUARY, 1861.

The Executive Council met to-day at noon, by Special Summons.

PRESENT:

His Excellency The GOVERNOR and all the Members—also, Colonel de Sausmarez.

The Minutes of last Meeting were read, corrected, and confirmed.

The following Letter from Mr. Murrow addressed to the Clerk of Councils, intimating his disinclination to continue his attendance unless called on by the Council to proceed with the remaining charges, was read—

HONGKONG, 26th December, 1860.

SIR,—I beg to be excused from further attendance upon the Executive Council unless His Excellency the Governor should deem it advisable to proceed with the remainder of the charges I have laid.

Several reasons combine to induce me to arrive at the conclusion which I have intimated. In the first place my time is valuable to me. I have at this moment no less than five average statements on my desk, which I cannot possibly attend to so long as the present investigation is being pursued in the manner now adopted by the Honorable Council. In the second place, such measureless latitude is being allowed Mr. Caldwell in making his defence, that the enquiry has assumed a shape denoting interminability. In the third place, my indignation, at what appears to me, Mr. Caldwell's brazen effrontery in pleading facts of extreme aggravation as extenuating circumstances, is so strong as to render it very difficult for me to demean myself towards the Council with that degree of respect which His Excellency the Governor requires, and which I find great pleasure in according.

For instance, the accidental disclosure which occurred at the last meeting of the long intimacy and acquaintance of Seeko and Mr. Caldwell, involving as it does, atrocities which elicited from the Honorable Council unqualified expressions of unfeigned surprise, was nevertheless combated by Mr. Caldwell as if the circumstances were of too trivial a nature to be worth remembering, and although His Excellency the Governor himself, in the face of the subtle concealment practised, detected Mr. Caldwell in the utterance of a palpable untruth, still the defence proceeded as if nothing had happened.

Again—it seemed painfully clear to me that the second witness whom Mr. Caldwell produced, had been carefully tutored and drilled. The evidence the man gave was all Mr. Caldwell could possibly have hoped for, except on one point where it utterly failed. This referred to the question of Wong Acheong being living or dead. Upon the Chief Justice putting that interrogatory to the witness, Mr. Caldwell uttered audibly, "I forgot that." The reply was so different to what Mr. Caldwell would have wished, that I respectfully submit the expression which escaped Mr. Caldwell, unmistakeably indicates that he had forgotten to tutor the witness upon that point.

Again—this same witness stated that he never saw the books of the Kwong-yek-loong, although he was accountant of the hong after the name had been changed. It is on evidence that Mr. Caldwell obtained the surrender of these books on the express grounds that the business of the hong could not go on without them. Surely this strongly corroborates the evidence of the convict, who said that Mr. Caldwell sent him for the books, and that he gave them to Mrs. Caldwell. This taken in connexion with the destruction of so many batches of papers under singularly suspicious circumstances, is I conceive a most important point; and yet although I especially called the attention of the Honorable Council to it, no notice whatever was taken of it.

Besides these considerations, there are others which lead me to the conclusion that it is but a waste of time on my part pursuing the enquiry on the tortuous track at present adopted, and that the present stage is the one I should retire at unless my charges are proceeded with. The Council have already decided that Ma-chow Wong was a notorious pirate, and that Mr. Caldwell was long and intimately acquainted with him. The most material witness, and the one whose testimony has stood the test of truth more than that of any other China witness examined, is the convict Sum Ahing. This man stated that it would take him three days to relate all the dealings he knew between Ma-chow Wong and Mr. Caldwell, and although I have repeatedly solicited that the convict might have an opportunity of doing this in writing, still the request has been invariably refused.

Furthermore, upon the 84th Clause of the Rules of Regulations of H. M. Colonial service I have solicited that Mr. Caldwell might be suspended pending this enquiry. That request was also refused, although I am certain that the Honorable Council are deeply impressed with the validity of the grounds on which it was based—namely the influence of Mr. Caldwell among the Chinese being so great as to preclude the possibility of inducing them to give evidence against him. I cannot but think that what now stands upon the minutes of the Honorable Council against Mr. Caldwell as both proved and admitted, would be very lightly visited by the most severe sentence the Council has the power to inflict—And yet despite the 84th Clause above alluded to, bearing so pointedly as it does on the powers of offence which Mr. Caldwell's present incumbency gives him, the Council have in effect decided that not even grounds of "suspicion of an offence of a serious character" are entertained against him.

Of what use therefore can it be in me thus wasting my time day after day? If the Council cannot come to a decision upon the points alluded to as having been proved and admitted, surely it is futile in me to attend their sittings. I do freely confess if what has been already adduced fails to convince the Honorable Council of Mr. Caldwell's guilt, I despair of ever being able to do so. I fully appreciate the necessity of Mr. Caldwell being allowed to make a defence, but still after the repeated falsehoods he has been detected uttering to the Council—after the discovery of the designedly false evidence he has submitted—after the immunity both he and his witnesses have enjoyed notwithstanding the detection of their falsehoods;—I do think that far too much latitude is being allowed him—not only as to time—not only as to his being allowed to retain his peculiar powers of offence in the continued occupation of his incumbency—not only in enjoying the privilege of making mis-statements and of producing false evidence; but

in being permitted to conceal what he ought to reveal, in *not being pinned to any line of defence*, and in not being required to state the nature of the evidence expected from the witnesses he produces; how he became acquainted with them, and what interviews he has had with them.

I respectfully submit, and as the Honorable Council are sitting upon charges laid by me in accordance with the invitation of His Excellency the Governor, I respectfully claim the right to submit, that the time of the Council has latterly been worse than wasted. Their consideration has been attracted from the contemplation of heinous offences which are actually on their minutes, to the unravelling of trumpery evidence and of trained disreputable testimony. Weariness has hidden the very object of the enquiry, and as the evidence produced for the defence recoils on the accused, the following words extracted from the Duke of Newcastle's despatch as given in the *Gazette* announcing this enquiry, appear to have been lost sight of—*"the alleged tampering of some of the subordinate departments with the malversation, corruption, and piratical practices of part of the Chinese Community in or frequenting the Colony."*

Leaving the Wong Acheong branch of the enquiry with every confidence in the hands of the Honorable Council, I would simply call His Excellency's attention to the following points regarding it, which are upon the minutes, and which I submit are incontrovertibly proved and established. All the witnesses produced to prove the existence of the man, each saw him once and no more (including Mr. Caldwell himself).—The singular steps resorted to for the purpose of getting Sum Ahing out of the way, the peculiarities of his arrest, the substitution of the well known Coolie broker Assoong for an escaped victim, and the non-arrest of the Portuguese kidnapper.—The falsehoods, designed and premeditated, of Tong Alock, of Low Ashuey, and of Cheong Assow.—The discovery of the first named having attempted to induce the man to whom he had sold the ground to tell a falsehood, and to conceal the fact of Tong Alock having himself named the pirate's wife as the party who would pay the Crown rent on the section registered in the name of Wong Acheong.—The singular circumstances connected with Assow's conduct in the matter; the arrears of rent or rather, of the payment of interest.—The suspicious circumstances attending the transfer, and the wrong designation of Wong Acheong in the lease and memorial.—The fact of both the pirate and his wife having repeatedly paid the Crown rent.—The admission of no rent having been credited Wong Acheong in the accounts of the Kwong-yek-loong.—The slip of the tongue of the pirate's wife in saying "they told her not to be afraid" when she could no longer pay the Crown rent.—And last though not least, the fact of the pirate's son's name being Wong Acheong, which being interpreted means, the eldest son of Wong.

For the rest, I will willingly leave the investigation of my charges laid, in so far as it has been proceeded with, in the hands of the Council without again adverting to the same; and I will as before stated bow to the will of the Council as to whether I shall proceed with the remainder or not, but for my present purpose I confine myself exclusively to the evidence recorded upon the one subject embraced in the above named extract from the Duke of Newcastle's despatch. And for the purpose of being brief and succinct I confine myself to two points—One being Mr. Wade's translation of the paper found on Beaver, and the other being the disclosure accidentally made at the last meeting of the Council. I do under correction, firmly though most respectfully submit, that these two points combined conclusively illustrate the appalling fact, that Mr. Caldwell has been criminally connected with a piratical association whereof Mah-chow Wong was the head, and that through the connivance of Mr. Caldwell, H. M. ships of war have been prostituted habitually, in carrying out the designs of the association referred to.

With great respect and confidence I beg to state that the evidence on these points is concluded—it is incontrovertible,—and it is upon the minutes of the Honorable Council. It was not discovered from any statements or admissions made by Mr. Caldwell, but developed by purely accidental circumstances. Nay further the whole of the evidence I allude to was not only most adroitly concealed by Mr. Caldwell, but actually denied by him after the Honorable Council had declared it proved. If I am right in making the statement I have just done, and after mature reflection I conscientiously believe that I am, I cannot but think and hope that the Honorable Council will acquit me of any want of respect or appearance of petulance in the desire I now advocate of bringing this vexed question to a close, upon the proved evidence I allude to.

As to the paper found on Beaver. With all due deference I take the liberty to record my conviction that the Honorable Council have not fathomed its meaning. The original document, in common with all other papers of a like nature bearing upon this enquiry, has been made away with, and I cannot think it possible, that Mr. Caldwell ever would have told the falsehood he did to the Caldwell Commission, regarding the contents of this document, had he known the translation was available.

This paper was a "Representation" from the celebrated pirate Chu Akwei, sent by the hands of his friend Beaver, an American, to the heads of the piratical fraternity of this Colony. It disclosed the fact, that in consequence of the Government of this Colony having been induced to allow pirates to pursue their vocation under pretence of being rebels, Hongkong had become their head quarters. It proved most distinctly that Mah-chow Wong was the arbiter of these pirates, and that the secret of his power consisted in his being able to send British men-of-war to capture and destroy them. [That he derived that power from his long and intimate acquaintance with Mr. Caldwell has been abundantly proved—in fact it is one of the aggravating circumstances before alluded to, which Mr. Caldwell is permitted to plead as if it were extenuating.] The paper further disclosed that Chu Akwei and another notorious pirate named Mo-me-mah, had quarrelled. Chu Akwei had written to Mah-chow Wong for instructions how to act in the matter, and Mah-chow Wong replied that Mo-me-mah was to be killed, and his fleet captured. Chu Akwei carried out these instructions in so far as the fleet was concerned, but Mo-me-mah having gone to Hongkong to have a personal interview with Mah-chow Wong on the matter, escaped. From the expression "*Mah-chow Wong seeing what language was held by Mo-me-mah wrote another letter*" to Chu Akwei ordering him to release Mo-me-mah's boats, I infer that Mo-me-mah had threatened to inform against Mah-chow Wong to the authorities of this Colony. At all events, Mah-chow Wong ordered Chu Akwei to surrender Mo-me-mah's boats, and was to receive \$1,000 from Mo-me-mah for effecting their rendition. Chu Akwei refused to give them up, when Mah-chow Wong threatened to send the men-of-war after him. This potent threat so terrified Chu Akwei that he captured two Portuguese lorchas and gave them as a peace offering to Chun-kwei-tsik, the celebrated leader of the Canton braves, who was at that time employed committing assassinations on the British, and under whom Chu Akwei subsequently served. In fact the pirate, still under the potency of Mah-chow Wong's threat, was still in Chun-kwei-tsik's service when he wrote this paper, and Beaver, the bearer of it, still served under him. The purport of the paper was to open communications with the pirate leaders of the Colony, for the purpose of assuring them that he had not forsaken their cause, but was acting under compulsion as his only means of safety in consequence of Mah-chow Wong's threat to send British men-of-war after him.

In this affair Mr. Caldwell stands directly implicated. *First*, by his long and intimate acquaintance with Mah-chow Wong, and by the proved and admitted fact that he was in the habit of procuring the services of H. M. ships at the requisition of the pirate. *Second*, Mr. Caldwell's letter to Dr. Bridges as acting Colonial Secretary dated 5th October 1857, betrays his cognizance of most of the circumstances referred to in Chu Akwei's paper found on Beaver. *Third*, knowing these things, and having actually seen the very paper which Chu Akwei sent by the hands of Beaver, he nevertheless allowed Beaver to be discharged when arrested, without ever mentioning the criminatory charges to the Magistrate. *Fourthly*, he gave a false report of the paper found on Beaver to the Caldwell Commission, in that he said it did not contain Mah-chow Wong's name at all; and as both the paper referred to as well as Mr. Caldwell's letter above alluded to of 5th October 1857, are suppressed in the Blue Book; as the former was concealed from the Caldwell Commission, from the Magistrates, the Attorney General, and the Superintendent of Police, there can hardly be two opinions as to the motive of Dr. Bridges in destroying the Mah-chow Wong papers, and in surrendering to Mr. Caldwell the papers from the Supreme Court. *Fifthly*, in these papers which Dr. Bridges ordered to be burnt, and which Mr. Caldwell had reported did not in any way criminate Mah-chow Wong, were receipts for wages in Mr. Caldwell's hand-writing paid this very man Beaver. *Sixthly*, Dr. Bridges stated on oath in the case of *Regina v. Tarrant*, that Mr. Caldwell had told him that Beaver had been in his, Mr. Caldwell's employ, although the latter has attempted to deny the fact before the Honorable Council. The proof that Beaver must have been a pirate when he was in Mr. Caldwell's employ, is to be found in Chu Akwei's letter, of which Beaver was the bearer, as it is there stated Chu Akwei had known "Charlie" many years.

The appalling disclosure made at the last meeting is almost beyond my power to describe in the manner I could wish. That Mr. Caldwell knew who was the head of the pirate hong is certainly admitted. Whether that head was See-ko or Wong Acheong depends very much upon the question as to whether such a man as the latter ever existed or not. In any case, See-ko at the last meeting admitted that he was a partner in it, and taking the 3rd para: of 83rd page of the Blue Book, in connexion with Sum Ahing's statement and the supernatural evidence adduced of the sublunary appearance of Wong Acheong, I really feel justified in submitting under correction, that all doubt about the matter must be exhausted in the most capacious chalice of charity that the light of reason is allowed to penetrate. Mr. Caldwell repeatedly denied all knowledge of See-ko, although I actually proved that he must have known the man from the false rendering he gave of the pirate's wife's evidence. At all events Mr. Caldwell's knowledge of the name of the hong of which See-ko was the sole partner (the Lee-yu-hop) must also be ignored if his ignorance of See-ko appellation be admitted, and even then it has to be explained how the pirate's wife was induced to state upon the occasion I refer to, that the Lee-yu-hop was a Swatow and not a Capchi hong.

Mr. Caldwell, being driven in his defence to prove the existence of Wong Acheong, goes to Capchi in a hired steamer, and brings See-ko before the Council. I appealed to His Excellency to cause Mr. Caldwell to give an account of what he knew about See-ko, and to state an outline of the evidence required from him. Mr. Caldwell vehemently refused to comply, and subsequently objected to Sum Ahing addressing See-ko, when the two were confronted. Confining myself to such portions of See-ko's evidence as referred to Wong Acheong, See-ko said that Wong Acheong had been drowned with his, See-ko's, brother, and nephew, during an attack which the before named pirate Mo-me-mah made upon his boat. Mr. Caldwell adroitly concealed his previous acquaintance with See-ko, and See-ko as adroitly his previous acquaintance with Mr. Caldwell. After the acquaintance was discovered, Mr. Caldwell said that he had known the man by another name. Now the convict had given him two names, namely See-ko, and See-lo-yeh, and had also given the name of his hong. Mr. Caldwell therefore avers not only that he was ignorant of these three appellations, but also of the man being in any way connected either with the Kwong-yek-loong, or with Mah-chow Wong.

See-ko, in admitting his acquaintance with Mr. Caldwell, still carefully avoided all allusion to the circumstances subsequently disclosed. Moreover See-ko denied to the last all knowledge of Mah-chow Wong, although the letter found upon the rack from his nephew Lum, clearly proves the reverse. But the circumstances to which I would urgently call the attention of the Honorable Council are these: When See-ko was asked if he had reported the piracy to the Hongkong authorities, he replied that he had sent down a messenger, but that nothing had been done about it. When on the subsequent day, after the acquaintance between See-ko and Mr. Caldwell had been discovered, See-ko was asked why he had not caused the piracy to be reported to Mr. Caldwell, he replied that when his messenger arrived Mr. Caldwell was absent hunting after pirates. I have no hesitation in stating that it must be palpable to every Honorable Member on the Council that silence and concealment must have been arranged and concocted by Mr. Caldwell and See-ko as to what really was done about the piracy, which eventuated in the death of the brother of the latter. And if this be admitted, the conclusion is inevitable that the motive for the concerted concealment, was the fear of the palpable untruth of the story of Wong Acheong's death being discovered.

At this stage of the proceedings, Mr. May, whose attention by the merest chance had been directed to the circumstance, referred to the *Gazette* of 16th April, 1859, which disclosed the secret See-ko and Mr. Caldwell had taken such pains to conceal. I herewith affix this important disclosure:—

No. 38.

GOVERNMENT NOTIFICATION.

The following Report of an Expedition against the Pirates infesting the waters adjacent to this Colony is, by direction of His Excellency the Governor, published for general information.

By Order,

W. T. MERCER,
Colonial Secretary.

Colonial Secretary's Office, Victoria, Hongkong, 11th April, 1859.

(Copy.)

LETTER OF PROCEEDINGS.

Nimrod, HONGKONG, 9th April, 1859.

SIR,—In obedience to your orders, I proceeded in company with H. M. Gun-boats *Forester* and *Janus* to Cupeli, accompanied by Mr. Caldwell, Registrar General, off which place we arrived at 10.30 A.M., on the 4th inst., having been detained 24 hours in Chimo Bay from stress of weather. On arrival we were welcomed by the Elder of the

Town, who related to us the atrocities which had been committed in his district by the miscreant Pirates, he having lost a brother and nephew, besides property to the amount of Five Thousand Dollars, a portion of which had been disposed of at Hutung. He also informed us that the Pirate force consisted of Seven Junks, commanded by the noted chief Momema, who, Mr. Caldwell states, has been at the head of Piracies in these Waters for the last five years. Receiving on board the Elder of Cupchi, who was most anxious to accompany us, we proceeded to Chelang, but found they had gone to Sea or had gone South. I therefore proceeded to Bios Bay, but found they had not been there for some time.

From the information that we had gathered from the Fishermen, there remained no doubt that having landed a part of the Cargoes of the captured Junks at Hutung, they would endeavour to land the remainder there as soon as they had ascertained we had gone away.

On the following morning I returned to Hutung, and landed with the armed Boats, and through Mr. Caldwell demanded that they should deliver up the Cargoes. They admitted that a portion of the Cargo, to the amount of Two Thousand Dollars, had been landed there, but was not there at that time, excepting 200 bags of Sugar, which had been ransomed by the Owner. I therefore, with the concurrence of Mr. Caldwell, told them that they must pay an indemnity of One Thousand Dollars, giving two hours for consideration, at the end of which time, if my demand was not acceded to, I should set fire to the Town. Having waited two hours and upwards without their shewing any signs of coming to terms, I fired a few Rockets at intervals over the Town, when they ultimately consented to pay the money by a given time, upon which I returned to the ship, informing them that unless the agreement was fulfilled I should adopt more severe measures in the morning. At 10 o'clock P.M., a Boat came on board with a Note for the amount, duly attested by the Elders of Cupchi, who were perfectly satisfied, and expressed their thanks for the service we had rendered them.

In conclusion, I must beg to bring to your notice the zealous manner the duties were performed by the Officers commanding the Gun-boats.—I have the honour to be, Sir, your obedient servant,

(Signed) R. J. WYNNIATT,
Acting Commander.

Captain J. J. McCLEVERTY, C.B.,
Senior Officer.

The Honorable Council will doubtless remember what then occurred. No record of the application nor of the authority under which Mr. Caldwell acted could be found in the archives of the Colonial Secretary's office. Mr. Caldwell averred that he had a *carte blanche* to obtain the services of men-of-war when he pleased, by simply making a verbal communication, and that even in cases where Chinese not belonging to this Colony were the complainants, he simply took their verbal statements and acted on them.

Of course the identity of the elder of the town with See-ko was at once admitted. See-ko said that he had never received the \$1,000 referred to, but simply said he had for fear of innocent people suffering by the threatened bombardment. Mr. Caldwell denied that he had gone purposely to Capchi to avenge the death of See-ko's brother, and averred that he had gone after other pirates, had accidentally called in at Capchi, where See-ko had come on board and reported the death of his brother. And although His Excellency pointed out the palpable untruth of this statement from the first three lines of Commander Wynniatt's despatch, Mr. Caldwell repeated the falsehood unchecked and without reprimand.

To the important question as to how it came to pass, that nothing had been said to Commander Wynniatt about the death of Wong Acheong during the piratical attack, See-ko said that he had simply reported his brother's death, his grief swallowing up all considerations for the other two. Mr. Caldwell said he (See-ko) had reported both brother and nephew, but not Wong Acheong.

Here then is incontrovertible proof of H. M. Navy having been again prostituted by being employed, at the instigation of the Mah-chow Wong confederacy, against another gang of pirates with whom they had come in collision. Nay more, of H. M. vessels being made instrumental in the rendition of property sold to villagers by Mo-me-mah, and taken from those with whom the Council have already declared Mr. Caldwell had had a long and intimate acquaintance.

See-ko told the Council that his brother had sold the cargo of sugar at Teentsin, had called in at Swatow, and was bringing Wong Acheong to Capchi in an empty boat—at least so I understood. He told Commander Wynniatt that the boat was loaded with sugar and property to the amount of \$5,000.

In fact so numerous are the inconsistencies of the evidence adduced for the defence—so palpable and designed are its manifold infirmities—so defective its entire fabric, with such a total absence of all that is collateral and tangible,—that considering the weight of testimony (arising from discovery of concealed facts) on the other side, I feel it incumbent from a sense of duty to myself, to adopt the course I now respectfully propose. And if I might be allowed to make a suggestion I would ask the Council to go through this long impulsive letter on the instant, to pass the pen through what is untrue, to mark with blue ink what is doubtful, and with red what stands proved upon the minutes. Then the kernel of my ideas would be arrived at.

Although this proposal may seem to involve the abandonment of my charges as laid, I am sure the Honorable Council will repudiate the imputation which may be cast upon me, that even any one of my charges was laid on flimsy grounds. But I submit, serious as these charges are, and indelibly proved as they may be, they sink into such insignificance before the circumstances respectfully adverted to in this letter, that I conceive common sense and consideration require that I should leave it to the Honorable Council whether my charges as laid and partly investigated, should be proceeded with or not.

At the same time I do hope that the Honorable Council will avail of my services in conducting the investigation of Hongkong abuses to their terminus, and will cause to be exposed to public odium the coadjutors of Mr. Caldwell lately in the administration of this Colony—to the end that Her Majesty's Ministers may be provided with materials to expunge from the archives of the nation the gross libels on those public and high minded officers who stand traduced by the violation and prostitution of official confidence, and who have suffered grievously in mind and estate for having opposed and denounced the atrocities and corruption, in which the very government of the Colony had become tainted.

To prevent the possibility of this letter interfering with the proceedings of the Honorable Council, I leave it to His Excellency to place it on the minutes at any stage of the enquiry he may deem fit.

In conclusion I beg to express my thanks for the unfailing courtesy extended towards me by the Honorable Council, and my grateful acknowledgements for the urbanity, consideration, and indulgence I have invariably received at the hands of His Excellency the Governor. I have to tender my apology for any petulance exhibited by myself during the course of the tedious investigation, or for any annoyance I may have caused on acting against the wishes of the Honorable Council. I sincerely trust that this communication may be deemed, as intended, entirely respectful, and begging that any expressions which may

appear to indicate a contrary intention, may be attributed to accident, not to design, and therefore stand excused,—I remain, &c.,

(Signed) Y. J. MURROW.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

Sum-ahing.

Sum Ahing examined through Wong Ashing:—Knew Ching-ayun—he employed him on the 1st day, 9th moon, 7th year, as an Accountant in the Cum-yu-loong Hong. He was employed there in that capacity for a year. May have told him who were the Partners in the Hong, but did not at the present moment recollect doing so. Accountant must have known that 'Ng-low-yeh and Wong Acheong were in the Hong. Wong Acheong was Ma-chow Wong's Son. 'Ng-low-yeh came down to examine the Books in the 11th moon, 7th year, in consequence of a letter written by Witness to him about having to pay some money to Ma-chow Wong's wife. 'Ng-low-yeh came down with Lum, nephew to See-ko. Lum was the Clerk who had been in the Hong, and who returned to Kupchee after Ma-chow Wong's arrest. He was the Clerk who had written the letter to See-ko which had been found on the rack. After the sugar case wrote to Lee-yo-lee and 'Ng-yo-lee, asking them to come down, and See-ko wrote back not to call him Lee in future but Sum-yun-lee, and to say that he came from Swatow and not from Kupchee as he was afraid to have it known that he was connected with the Hong. This letter was brought to him by one of the vessels belonging to the Lee-yu-hop before Lum returned to Kupchee. The firm of Lee-yu-hop had plenty of vessels coming down every week or ten days. When Lum and 'Ng-low-yeh came down they went upstairs and took the books with them. The Accountant must have known what took place, although there were at that time two Accountants. It was not true that the man who came down from Kupchee with 'Ng-low-yeh was Wong Acheong. There was no such person except the boy, Ma-chow Wong's Son. Ma-chow Wong's wife told him through Mrs. Caldwell, that she owed \$2,000 to Low Ashu and asked him to give a book for \$40 a month. He did so. The Cum-yu-loong Hong was opened on the 9th day of the 8th moon of the 7th year, and when the Accountant came on the 1st day of next moon, he told him to go on with the books which had been opened by Witness. The books of the Kwong-yek-loong were seized by the Police, and when he got them from Mr. Grand-Pré, he sent them to Mrs. Caldwell by her desire, and never could get them back. When Ma-chow Wong was transported, all his affairs were entrusted to Mrs. Caldwell. The Accountant (now present) must be well aware of this, but he was afterwards employed by Ma-chow Wong's Wife in a salt fish lan, and so would not speak the truth.—The

Ching-ayun.

Sum-ahing.

Ching-ayun.

Sum-ahing.

Ahing replied that this was not true, and explained that the Hong was owned by the brother and father of Ma-chow Wong's Wife. The Accountant admitted that this was so. The attention of Sum Ahing was called to the statement of the Accountant, that he never had any entries in his books of money paid to Yow-hop or Shaplock—on which Sum Ahing said that the Accountant must know that it was so, but he would not speak the truth.

Mr. Caldwell stated that he did not know before, that the Accountant was in the employment of Ma-chow Wong's family. The man had been sent to him at his request as a man who had been in the Cum-yu-loong Hong, and could give material information. He declined to give up the name of the person who sent the Accountant to him.

Sum-ahing.

Sum Ahing examined by the Chief Justice,—Ma-chow Wong's Wife owed Wong Aming, a relation of hers, some money, and asked him (Sum Ahing) to become security. He did so, and the bond was drawn up by the Accountant. This was in the 8th or 9th moon of the 8th year. He was arrested for 173 Dollars of this debt, and taken to Jail. He was there two days before he was bailed out, and as soon as ever he came out he went straight to Mr. Caldwell to ask him about the matter, as Mr. Caldwell knew all about Ma-chow Wong's Wife's affairs. Wong Aming was told to arrest him by Ma-chow Wong's Wife's Brother. His object was that unless he could be got out of the way, the Hong would never have become the property of Ma-chow Wong's Wife. His reason for going to Mr. Caldwell was to obtain information:—1st, why he was arrested for a debt he did not owe; and 2ndly why his Cook had been arrested for kidnapping.

Chun Akwong, a Chew-chow man, owner of boats trading on the Coast, a Christian living in the Chapel formerly used by the Rev. Mr. Johnston, called by Mr. Caldwell and examined,—Came back from California in the 10th month of 7th year. About ten or fifteen days after, two men came to him and wanted him to buy a house. They knew his father and came to him because they heard he had just returned from California with money. Witness asked them about the House and went to look at it. The shop was the Cum-yu-loong. He went upstairs. It was very pretty. They said they wanted more than \$3,000 for it. One of the men said his name was Wong Acheong, and the House belonged to him. The other's name was something like Acheng and looked like a coolie. Never saw the convict standing opposite. Never saw the man calling himself Wong Acheong before or since. Knew nothing about him, except that he supposed Wong Acheong must have known his father as he did not know himself.

Chun Akwong.

Sum Ahing stated he knew last Witness. He was a trader on the Coast. Never was brought to his Hong to buy it. It was all a lie, and both the man present and the Accountant were put up to tell what they did by Mr. Caldwell.

Sum-ahing.

Chun Akwong's examination resumed.—He did not buy the House because he had not enough money. Had before this bought a cargo boat for \$400. The boat was about \$185 and the balance was for guns. Mr. Caldwell's man, coolie, or something of that sort, came to him, and brought him to Mr. Caldwell. Mr. Caldwell spoke to him about Wong Acheong. This was about two months ago. It was at Mr. Caldwell's house. Some men came to the Chapel to make enquiries. Mr. Caldwell asked him, "Do you know Wong Acheong?" He replied, "Which Wong Acheong? I knew many of that name." He then told him that a man of that name had come to him soon after his return from California and wanted him to buy a House, but he had not enough money. Did not know Ma-chow Wong, but had heard of him when in California. On Witness' return he found Ma-chow Wong in Jail.

Chun Akwong.

Sum Ahing being asked, said the last Witness was well acquainted with Ma-chow Wong and his Wife, and also with See-ko, with whom he traded. See-ko had sent him a letter in which he said that the last Witness had called upon him. A boat belonging to See-ko had been captured by pirates, and Chun Akwong acted as See-ko's Agent. The case was tried in the Supreme Court, and See-ko lost it. See-ko's man identified some of his Master's goods in the Sum-yu-tan, which had been stolen from the boat.

Sum-ahing.

Chun Akwong stated that he did not know anything of See-ko. Shortly afterwards he said he knew but little of him, although he knew much of his Captains. Never had seen See-ko.

Chun Akwong.

Mr. Caldwell said that he had found a petition from the Wing-foong Hong reporting a case of Piracy very similar to that described with regard to See-ko's boat—and it was on that report that the *Nimrod* went up.—The Hong was however closed and he was endeavoring to find the people who formerly kept it.

The Council adjourned *sine die*.

21st Sitting.

THURSDAY, 10TH JANUARY, 1861.

The Executive Council met to-day at noon, by Special Summons.

PRESENT:

His Excellency The GOVERNOR and all the Members,—also, Colonel de Sausmarez.

The Minutes of last Meeting were read and confirmed.

Lieut. Innes of H. M. Gun-boat *Leven*, examined by Mr. Caldwell, stated, that early in 1859 he was in command of the *Forester*.—On the 2nd April left Hongkong under orders of Commander Wynniat of the *Nimrod* to search for Pirates between Hongkong

Lieut. Innes. R. N.

ent. Innes, R.N. and Kupchee—After leaving Hongkong they proceeded to search the Lema Islands and then the Islands between Mirs and Bias' Bays—from thence proceeded along the Coast into Chimo Bay, in consequence of stress of weather—which Bay was also searched.—They then called off Hutung, and then on to Kupchee, where a head man of the Village came off and gave information that the Pirates had been there and had murdered his brother and nephew—but had left and were supposed to be in the neighbourhood of Cheelang Point.—They proceeded there and ascertained that the Pirates had only left 12 hours before; from that place they proceeded to Bias' Bay which was searched, and afterwards went up the Coast again to Hutung where they landed.—Understood that Mr. Caldwell was generally present on expeditions of the kind as Interpreter, and to give information.—The authority to give orders devolved upon the Senior Officer.—Would always have acted upon his own discretion upon the information received from Mr. Caldwell; thought Mr. Caldwell used every exertion to find the fleet of Pirates.—Believed there was a promise to pay indemnity at Hutung to the Elder of Kupchee, but did not know if any money passed.—He understood that the stolen property was in the Town when the party landed.—Had been out on other occasions with other Interpreters, who always acted in the same way as Mr. Caldwell.—Left this on the Kupchee Expedition about 6 o'clock in the morning.—If a Piracy had been reported to him as having occurred at Kupchee, he would have gone into the Bays on the way up.—Always knew Pirate Junks by the number of guns and general appearance,—but in this case Mr. Caldwell described these Junks as having peculiarly cut sails.—Believed the Junks which committed the Piracy upon the Elder of Kupchee were the same as they left Hongkong to capture.—When the Elder went on board he seemed in great distress.—When the Elder's case was decided by his receiving promise of compensation, they returned straight to Hongkong.

No. 48 in Appen-) Mr. Caldwell handed in a petition dated the 2nd Moon, 9th Year, from the Wing-foong Hong, stating that 2 vessels laden with cargo were on their way from Kupchee to this place, and were on the 20th Day of the 2nd Moon about 4 p.m. at Yüt-mee Shan attacked by three large Tor Boats, and being heavily laden endeavoured to escape.—One succeeded in doing so—the other, whereof the Master was Lee-yu-long, was captured, with cargo valued at \$3,000; and Petitioners prayed for assistance.—Upon this petition the Expedition referred to had been despatched to Kupchee.—Mr. Caldwell further said—the Christian witness Chun Akwong had nothing to say to this Piracy.—No one as far as he knew was ever tried for this Piracy.

Mr. Murrow said this Piracy was the case referred to by the Convict Sum Ahing as having been tried at the Supreme Court on the complaint of See-ko, and wherein the complainant failed. Chun Akwong was charged with having been engaged in this piracy, and afterwards prosecuted the man who had charged him.

Mr. Caldwell said he knew from information he had received, that the three Tor Boats he described, formed part of Mo-mee-ma's piratical force.

Mun-a-chung. Mun-a-chung, servant to Ma-chow Wong's wife, said her master in 1856 purchased ground for his friend Wong Acheong—Wong Acheong was no relation of Ma-chow Wong.—He did not live in Hongkong, he came from Swatow—chartered vessels from Ma-chow Wong—knew Sum Ahing.—Never carried any money from him to Mrs. Caldwell—carried money from Sum Ahing on account of Wong Acheong to Ma-chow Wong's wife.—Never went 3 times to Mrs. Caldwell with Sum Ahing to pay \$1,000, \$500, and \$300.—After Wong Acheong settled with Sum Ahing he said that there was a Balance due to him of over \$300, and as he was not a resident here he wished the money to be paid over to Ma-chow Wong's wife.—The Money was to be applied to the payment of expenses of Ma-chow Wong's wife and son.—When demanded the money took a Book in which was entered what she got,—sometimes money, other times salt-fish or rice.—Never told Sum Ahing that the Books of the Kwong-yek-loong Hong, and which had been obtained from the Supreme Court, were to be carried to Mrs. Caldwell.—Saw Wong Acheong at the end of the 7th Year, after her master had been convicted.—Received altogether on account of Wong Acheong about \$200.—There was also account relative to \$400 which Sum Ahing had borrowed from Ma-chow Wong's wife—and had received \$72 for six months interest.—The Book of Wong Acheong was burnt at

Namtao, as also the Book in which the entry was made as to the interest.—The whole of the \$400 are still due.—Sum Ahing gave an acknowledgment for this money.—That Bond is still in existence in the possession of Ma-chow Wong's wife.—Sum Ahing said he wanted the money for a particular business, and unless he got it he would run away; so she told Ma-chow Wong's wife she had better let him have it—or perhaps he would be off with Wong Acheong's money. So she lent it him.—At this time Sum Ahing had paid only \$50 or \$60.—He said he would pay it in two weeks.—He did not do so—but paid interest.—Saw the \$400 paid by Ma-chow Wong's wife to Sum Ahing.—She got the money from Ma-fung-chun, who chartered one of Ma-chow Wong's vessels, and who owed that sum to Ma-chow Wong.—Does not know Wong Aming.—Ma-chow Wong's wife never took any steps against Sum Ahing to enforce payment of the \$400.—The \$300 was a gift from Wong Acheong to Ma-chow Wong's wife—was not present when Ma-chow Wong paid the bargain money to Toong Alock.—Has not often seen Wong Acheong—has only seen Mrs. Caldwell 3 times.—Does not know Shaplock.—Saw Mrs. Caldwell once on Ma-chow Wong's conviction,—once on his transportation, and the 3rd time was on the 8th Moon of last Year when Mr. Caldwell sent for her Mistress to ask if Sum Ahing had ever paid the \$1,800.—She accompanied her Mistress.—They both denied that it had ever been paid.—Ma-chow Wong's wife supported herself by needle work and she owned a boat which she chartered to other parties.—Ma-chow Wong's wife paid the expense of her husband's defence—does not know the amount.—The Cargo-boat produces about \$200 a month.

Mun-a-chung.

Sum Ahing said he bought the seeds from a man in Macao and put it into the Tiü Wo Hong, because the owner of the Hong told him he would send it to Tung-kun and make a profit on it.—He did not owe the owner any thing.—His brother met him after he was convicted, and told him that Mr. Caldwell had ordered the seeds to be sold by Auction.

Sum-ahing.

The Council adjourned to Wednesday, the 16th Instant, at noon.

22nd Sitting.

WEDNESDAY, 16TH JANUARY, 1861.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, and confirmed.

Su Asum, Ma-chow Wong's wife,—re-examined through Wong Ashing, stated:—She did not know any one of the name of Wong Aming.—Her husband had no relation of that name.—Never got Sum Ahing to be Security for a sum borrowed by her.—Lent Sum Ahing \$400—used the name of her lodger as the lender of the money—her name was 'Ng-an. The interest was \$12 per month, and it was paid for 6 months.—She asked Sum Ahing for the money, and he replied that he would pay as soon as he sold some Sugar he had. He sold the Sugar, but did not pay the money back.—Knew a man of the name of Ching-ayun—he was formerly Accountant in the Cum-yu-loong Hong; is now in a Fish Lan, which is partly owned by her brother.

Su Asum.

Sum Ahing examined by Mr. May, said—knew that two Piracies had been committed in March 1859.—The Boats of Lee Akum were purchased by him from Ma-chow Wong.—'Ng-low-ye was killed before Lee Akum's Boats were taken by Pirates.—When Ma-chow Wong was arrested, there were some Spars and Masts belonging to the "Kee-lung-poo-oan" in the Kwong-yek-loong.—The "Kee-lung-poo-oan" traded to Ningpo in Piracy or unlawful trade.—She returned with 80 Shoes of Silver and a Cargo of Alum; the Silver was taken to Mr. Caldwell's house and given to Mrs. Caldwell.—The Captain who accompanied him to Mrs. Caldwell to hand over the Silver was a Chinese—Acheong Seng.—The Alum was sold after he came out of Jail.—The proceeds were delivered to

Sum-ahing.

Sum-ahing.

Ma-chow Wong's wife.—The Alum was sold to Pung-oan, formerly Quong-oan,—and can identify the man to whom he sold the Alum who is now an Accountant.—Remembered that early in 1858 a robbery was committed on a Boat anchored off his Hong.—The Boat was Ma-chow Wong's.—The amount robbed was more than \$3,000 and 16 Shoes of Silver; the money belonged to persons on board who intended to trade in Oil cake.—Ma-fung-chun agreed with Mrs. Caldwell to give her \$2,400 for the Boat.—He understood from inquiries he made afterwards with Ma-fung-chun that the Captain of the Boat, Kow-chee-fa, and a Pirate committed the robbery,—having employed about 30 men who were dressed in European clothes.—The Pirate was Low-foo-chong. When the "Kee-lung-poo-oan" went to the North, there was an European Master on board employed by Ma-chow Wong.—Did not know who he was.—It was on the 4th or 5th moon of the 7th year that the "Kee-lung-poo-oan" returned from Ningpo.—On the 3rd Moon of the 6th year first had dealings with Ma-chow Wong; only consulted with him and knew him at that date.

Ching-ayun.

Ching Ayun recalled, and re-examined by Mr. Caldwell.—Had no recollection of drawing up a Money paper for Wong Aming.—Wong Aming was a native of Wy-chow and had been to Singapore.—When he came here he had some money, which he delivered to Sum Ahing, and lived in the Hong. When he wanted to return to Shak-loong, Sum Ahing gave him a Draft for the amount due on a Hong in Shak-loong.—The Draft was not honored.—Wong Aming returned to the Colony, and demanded the money from Sum Ahing.—Other persons came from Singapore at same time, but does not know whether any of them paid money under the same circumstances.

Lau-wun-loong.

Lau-wun-loong, Shopkeeper, examined, stated:—Did not know Wong Aming until they divided some monies between them the 3rd day 2nd moon of this year (February 1860.)—It was divided at Dr. Bridges' office.—Assam (Sum Ahing's brother) was present at the division.—Sum Ahing owed him \$157,—being the balance of an account for Rice and Cash had from the Shop.—Sum Ahing lodged some Seeds with him to sell,—pay himself, and hand over the balance to Sum Ahing.—Wong Aming came to him and asked him to give up the Seeds, and he refused as he had a claim upon them,—and petitioned Mr. Caldwell.—There were about 96 piculs of Seeds.

Sum-ahing.

Sum Ahing said that all he owed Witness was about 10 Taels for small quantities of Rice which he had from the Shop.—That there were 110 piculs of Seeds.

Lau-wun-loong.

Lau-wun-loong recalled, stated:—That the money he claimed was for things which Assam (Sum Ahing's brother) had had from his Shop.

The Council adjourned to Monday, the 21st Instant, at noon.

23rd Sitting.

TUESDAY, 22ND JANUARY, 1861.

The Executive Council met at noon, in consequence of postponement of the Meeting to this day.

PRESENT: .

His Excellency The GOVERNOR and all the Members,—also, Colonel de Sausmarez.

The Minutes of last Meeting were read, and confirmed.

Lum-achoe.

Lum-achoe, Accountant in the Oan-foong Hong, formerly in the Wing-foong Hong, —produced by Mr. Caldwell and examined by Wong Ashing,—Stated that he recognized the Petition handed to him as the Petition from the Supercargo of the Le-yu-sun Boat which he forwarded to Mr. Caldwell in 1859.—It stated that 2 Boats were coming from Kupchee when they were attacked by Pirates.—He took the Supercargo to Mr.

No. 48 in Appen-
as above.)

Caldwell with that Petition, and Mr. Caldwell promised that he would send out some Steamers after the Pirates. This was on the 2nd moon of the 9th year.

Lum-achory.

In reply to Questions put by the Council, he stated that :—He knew that the Boat belonged to the Lee-yu-hop of Kupchee.—Did not tell Mr. Caldwell who owned the Boat—only presented the Petition.—Thought he presented the Petition on the 22nd or 23rd day of the 2nd moon—(26th or 27th March, 1859.)—It was about 2 days or 3 days after the Piracy was committed.—Did not know whether Mr. Caldwell sent a War Steamer as he promised.—Did not send a guide with Mr. Caldwell.—The Supercargo afterwards became complainant in a case in which some of the cargo was identified in a Hong.—The Supercargo's name was Lee Akum.—They told Mr. Caldwell that the Pirates were in 3 Tor Boats.—Did not know who was the Pirate Chief.—The partners of the Wing-foong Hong in which he formerly served, were Tum-cheong and Lee-sing.—He heard in the 4th moon that in a few days afterwards another Piracy had been committed on the Boats of the Lee-yu-hop.—The owner of the Oan-foong is Lee-sing.—The head of the Lee-yu-hop he did not know.—The Lee-yu-hop had no connection with either the Oan-foong or the Wing-foong.—Petition referred to, read by Wong Ashing.

Wong Ashing stated—that the signature “Wong Acheong” to the Lease and the Promissory note to Low Ashu,—which he had seen in Mr. Pollard's possession,—appeared to him to be written by the same person—and were well written.

The Council adjourned to to-morrow, at noon.

24th Sitting.

WEDNESDAY, 23RD JANUARY, 1861.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR and all the Members,—also, Colonel de Sausmarez.

The Minutes of last Meeting were read, corrected, and confirmed.

Dr. Bridges, D.C.L., produced by Mr. Caldwell and examined :—Stated that he was engaged by Afoo, known as the Tiger without teeth, to enter an action against Mr. Mitchell, Magistrate, for assault and false imprisonment.—He was at a sale at Mr. Tarrant's and two Chinese came to him; and as he could not understand them, applied to Mr. Caldwell to interpret for them.—Mr. Caldwell did so, and he, Dr. Bridges, then went up to the Magistracy about it, and entered an appeal against the conviction.—The appeal was afterwards heard, and the conviction quashed.—He then brought an action for false imprisonment.—The Defendant then called on the Complainant to find security for costs which he could not do, and so the action dropped.—Mr. Caldwell had nothing whatever to do with bringing the action against Mr. Mitchell.—Was never asked by Mr. Caldwell to take up the case gratuitously.—Mr. Cleverly told him at the time that he had told the men to go to a lawyer.—Could not say whether Mr. Caldwell was aware of the business of the men, but he spoke to them before explaining the matter to him—at least he thought so.

Dr. Bridges.

Remembered being applied to as to the giving up of Ma-chow Wong's property after his conviction, and consulting Sir John Bowring and giving an order on the subject, but could not remember particulars.

Remembered the master of a Lorcha being sent to him by the Harbour Master to report that he had been blockaded by Pirates on the West Coast, about April 1857, and that the Pirates could be recognized having taken a mast out of the Consort of this Lorcha and fitted it into the Pirate's own Vessel.—Did not think it was on the East Coast, but was not sure.—Could not remember the name of the place.

Cheang Akow.

Cheang Akow, Druggist, from Aberdeen, examined through Wong Ashing.—Was formerly Master of the Hung-che-tong.—Remembered becoming security with another man in the latter part of 1855 for Chui Akwei.—The other security was the Fong-yeun Shop.—Chui Akwei was a Doctor himself and was charged with being engaged in a fight.—Chui Akwei was surrendered by him on application from Ma-chow Wong.—Chui Akwei is now a Mandarin.—The Police came to his Shop and insisted on his producing Chui Akwei, and he did so.—Chui Akwei was at that time living in the Colony as a Doctor.—Did not remember whether Ma-chow Wong had been arrested on account of Chui Akwei.

Eem Achack.

Eem Achack, Chinese Clerk in Registrar General's Office, examined through Wong Ashing.—Stated that he remembered coming up to the Government Offices in the 8th or 9th moon of 7th year to examine some Chinese papers.—Examined the papers in the Chinese Secretary's Office.—The papers were examined by a Foreign Gentleman and his Chinese Clerk,—Mr. Caldwell and Witness standing on each side.—Now and then the Foreign Gentleman shewed something to Mr. Caldwell—and Mr. Caldwell then showed them to Witness who explained what it was.—When a paper was shown to Mr. Caldwell, he wrote down something in English with a pencil.—Thought that Mr. Caldwell wrote down all that witness explained to him.—When there were entries in Books, the particular items were pointed out to Mr. Caldwell by the Foreign Gentleman.—Mr. Caldwell did not examine any mass of papers before they were examined by the Foreign Gentleman.—No papers were kept back by Mr. Caldwell,—as he finished with each, he handed it back to the Foreign Gentleman.

Ly-see-ki.

Ly-see-ki, examined by Mr. Caldwell through Wong Ashing.—Is Master of the Tai Cheong Shop.—He became bail in 1857 at the Magistrate's Court for Ma-chow Wong;—had himself some time before been in the Debtor's Gaol.—At the time he went to Gaol he had a Partner, and it was at his own request that he was sued.—The Creditor was Wong-a-yun.—He requested this man to sue him, because his Partner ran away and the Shop owed 6 months' rent and other debts, and so he wanted his goods and chattels sold at Auction.—The proceeds of the sale were just enough to pay the rent, and the Creditor did not then get anything but he subsequently paid him.—He was in the Debtor's Gaol in the 7th year.—His Partner took away \$1,000.—While he was in Gaol, he directed a friend to buy in the things.—He did so, and put up a clean sign-board.—Is now carrying on the same business.—Was acquainted with Ma-chow Wong, and at the request of Ma-chow Wong's wife and brother became bail for him.—His Friend and his Creditor found the money to buy in the stock for him.—He was worth about \$2,000 at that time and his stock only sold for \$190.—His property consisted of Rice fields near Macao. He had also about \$300 in a chest which he left with his wife.—Could not tell the amount of his debts at that time.—No demands on account of debts have since been made upon him. The Partner was Low A-tung.—Did not know who were the other Creditors—but \$200 were due to the man who arrested him.—He was employed on board the *Eaglet* as Mr. Caldwell's Comprador.—Does not know any thing of Wong Acheong.

Lee Akum.

Lee Akum, Master of the Ye-shing Opium Shop, examined through Wong Ashing.—In 1857 was head Salt-weigher.—Remembers some one coming to his Shop to inquire for him as he was in arrear with his License duty.—A Policeman and a Chinese came to him and asked him to go up to the Police Court.—Went and found there was no enquiry for him there, and so went to Police Station; went by himself. An Officer at the Police Station sent an Officer with him to the Cum-yu-loong to see whether he could identify some Sugar as his property which he had lost some weeks before.—He had given information of this loss to the Police Station.—He was questioned by Mr. May and Tong Aku—was asked whether he could identify his Sugar—said his Sugar bore his mark—and Mr. May then sent a Policeman with him to the Cum-yu-loong to examine the Sugar.—Could not identify it, as it did not bear his mark; and he then returned to Mr. May and told him so.—Mr. May then sent him to Ma-chow Wong's house with a Policeman to see if there was anything there belonging to him—found nothing and so returned to Police Station—told Mr. May there was nothing there, and Mr. May said he might go.

In answer to Questions put by Mr. Caldwell, said :—Saw Mr. May once at the Police Court and three times at the Station in a room upstairs.—Saw Mr. May writing when he was there, but did not know what he wrote.—There was a Table and a Desk in the room.—Was not afraid of any body at that time.—Did not sign any paper.—Did not ask Mr. May to issue a Warrant to apprehend Ma-chow Wong.—Never expressed a wish that way.—Did not express his fears, and beg Mr. May to send a Policeman to watch his house.—Saw a Policeman that night against his (Witness) house.—Went to the Station next morning, Mr. May having sent for him.—Mr. May asked him whether any one had been to his house during the night—he replied no.—He went out himself to buy prepared Opium for his use.—Never made any application to Mr. May to arrest Ma-chow Wong.—Never signed any English paper at the Police Station or in the Magistrate's Court, relating to Ma-chow Wong.

Lee Akum.

Shown the Depositions in the case, and asked whether the signature to it was his own —thought it was. (No. 49 in Appendix.)

Cross-examined by Mr. May.—Did identify some Sugar about a week before—some on the wharf, and in the boat;—this was the Sugar taken from him by Pirates in which Piracy several persons lost their lives.—Got the Sugar back through the agency of some Chinese.—Did get it back through the agency of Ma-chow Wong—who told him if it were his, he had better take it with him.—He then asked Ma-chow Wong what had become of the Pirate Boat, and Ma-chow Wong replied the boat had gone and the men ran away.—Did not know how Ma-chow Wong knew this.—Went to Ma-chow Wong's house as the Hong was his property.—Saw Mr. May when he went to the Police Court.—Stopped a short time at the Magistracy—a sufficient time to drink two cups of tea.—Went to the Police Station.—Mr. May had not arrived.—A Policeman kept him until Mr. May arrived.—Mr. May told him to go and examine the Sugar—did so, and returned.

Read Lee Akum's Depositions in the Case referred to, taken by the Magistrates Mr. May and Mr. Davies. (No. 49 in Appendix as above.)

Mr. Murrow applied for permission to examine Sum Ahing and another Prisoner in Gaol, who had intimated to him that they were able to give important information with reference to the Charges at present under consideration.

The Council adjourned to Friday, the 25th Instant, at noon.

25th Sitting.

FRIDAY, 25TH JANUARY, 1861.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, and confirmed.

The Governor announced to Mr. Murrow that with reference to his application made at the last Meeting, the Council had determined that he might have an interview with Sum Ahing and if necessary another Prisoner in Gaol,—the Governor of the Gaol being present, and the Interpreter employed being Wong Ashing. That whatever Sum Ahing might then state should be taken down in writing, and that all that appeared material to the Charges under consideration should be laid before the Council, who would then decide upon its relevancy.

Mr. Caldwell said that, after this decision, he should decline to call any Witnesses that day, and wished to have time to consider what course he should take with reference to his Defence.

The Governor pointed out to Mr. Caldwell that he might proceed now with his Evidence in rebuttal of the Charges already gone into; and ample information would be given to him of any thing which might be said by Sum Ahing,—provided it should appear of sufficient importance to be received as evidence. He, Mr. Caldwell, would then have time to make any observations he might think fit in reply.

Mr. Caldwell stated he had no Witnesses in attendance. He must ask therefore for three days' delay, that he might call Witnesses if it should be necessary to do so.

His Excellency said, as there was nothing with which the Council could proceed, they had no other course open to them, but to adjourn.

The Council adjourned to Saturday, the 2nd Proximo, at noon.

26th Sitting.

SATURDAY, 2ND FEBRUARY, 1861.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of last Meeting were read, corrected, and confirmed.

Mr. Caldwell said he wished to make a statement which was not intended as his defence. He then commenced to read a paper animadverting in disrespectful terms on the manner in which the Inquiry had so far been conducted on the part of the Council, and accusing the majority of the Members of unduly favouring his assailants. Having proceeded to a certain length in this strain he was stopped by the Governor, who informed him that such a paper was altogether inadmissible—that the utmost latitude would be allowed him in making his defence to the charges brought against him,—but that the Council certainly would not suffer him to indulge in strongly abusive language against the Council, or in a continuance of the misrepresentations which had so far occupied the greater part of the statement.

Mr. Caldwell then handed to the Colonial Secretary a letter which he stated contained his resignation from that date. He said he was prepared (if the Council saw fit to continue the Inquiry) to proceed with his defence; but that he considered himself no longer in the Public Service, and therefore in the same category as those into whose conduct the Council were precluded from inquiring by the terms of the Duke of Newcastle's despatch.

The Council wishing to deliberate the room was cleared.

The Council having deliberated, the persons who had been present were again called in, and His Excellency informed Mr. Caldwell that he would receive a communication from the Colonial Secretary in the course of the day, informing him that his resignation would not at present be accepted. As regarded the continuance of the Inquiry the Council saw no reason to stop it. His resignation had been tendered on grounds altogether unconnected with the Inquiry which had so long occupied the Council.—He (Mr. Caldwell) was at liberty to proceed with his defence if he thought fit, or if he did not the Council would express an opinion on the Evidence which had been given.

Mr. Caldwell said he had no witnesses he could call that day, but would be prepared to go on with his defence on Monday.

Mr. Murrow being called on for a report of his interview with the Convict Sum Ahing, stated, that he had seen him that morning.—The name of the other Convict referred to

by Sum Ahing was Leong-kwok-shee, who was sentenced to fifteen years' transportation in Mr. Davies' Sugar case.—He was many years in Ma-chow Wong's employ as a Seacunny, and knows much of his affairs.—Was then on the roads.—Mr. Scott offered to send for him, but as the Council sat at noon, there was not time. Sum Ahing had told Mr. Murrow that Lum Ateen, Mr. Caldwell's family Doctor, used to teach music—taught Mrs. Caldwell and her Sister Shaplock.—Went to California and returned with Shaplock.—Mr. and Mrs. Caldwell, also Shaplock employed him as their Agent.—He now lives with Assow of the Land Office, but calls upon Mr. Caldwell every day.—Thought Lum Ateen must have signed the name of Wong Acheong to the Lease and Memorial, also to the Promissory Note.—Mrs. Caldwell sends goods to California and Australia through Assow's Shop.—The Sun-on-wo which Ma-chow Wong held in trust now belongs to Ma-chow Wong's wife, but held in the name of Lum Ateen.—He gave \$4,000 for it.—It is a Rice Shop.—Lum Ateen had little to do with Ma-chow Wong's affairs until after the pirates' transportation.—He then mixed himself up with them on Mrs. Caldwell's behalf.—After the pirates' transportation, his affairs fell into Mrs. Caldwell's hands, and she employed Cheong Assow as her Agent.—The property returned after Ma-chow Wong's conviction was some Sugar only—at least nothing else fell into Sum Ahing's hands. This he sold for 400 taels, which he divided amongst the Prisoners' wives.—Knew Lee Akum, the prosecutor in Mr. May's Sugar case. [Wong Ashing was left to ascertain what the Convict knew about this man.]—Sum Ahing also named as a probable witness to the fact of Mr. Caldwell having called with a Policeman and taken away his Books, a man named Yung-mong Yhea, who may be found in Man-yuck-tong, a shop on the Queen's Road near the Western Market.—This man is a friend of his and took his part when he was arrested for debt. [The name was withheld from the Council and given to the Colonial Secretary.]

Mr. Murrow remarked that much information could be extracted from Assow, and suggested that the records of the Land Office should be searched as to the proprietorship of the Sun-on-wo.

The Council then adjourned to Monday, the 4th Instant, at noon.

27th Sitting.

MONDAY, 4TH FEBRUARY, 1861.

The Executive Council met to-day at noon, pursuant to adjournment.

PRESENT:

His Excellency The GOVERNOR.

The CHIEF JUSTICE.

The COLONIAL SECRETARY.

Also, COLONEL DE SAUSMAREZ.

The Minutes of the last Meeting were read, corrected, and confirmed.

The following Letters were laid on the Table and read:—

From Mr. Caldwell to the Colonial Secretary.

No. 9.

REGISTRAR GENERAL'S OFFICE,
1st February, 1861.

SIR,—I have now the honour to acknowledge the receipt of your letter No. 1,202 of the 24th December, informing me that in accordance with the advice of the Executive Council His Excellency the Governor has decided that the subject of my letter No. 93 of the 21st ultimo shall be reconsidered on a future day, and that in the meanwhile I may be allowed to draw half the salary of my office.

Having no hope that any reconsideration of this question by the Executive Council will result in any good to myself I can only repeat what I have already stated that situated as I am, I could not possibly support myself and family if any larger deduction than \$100 a month were taken from my salary in liquida-

tion of a loss which His Excellency has decided I am bound to make good, but which with all respect for His Excellency's decision I still do not consider myself accountable for.

One half of my salary amounts to	\$140
As stated in my previous letter I am under engagement to pay monthly to my creditors as long as I hold my present appointment	70
House Rent and Police and Lighting Rates amount to	44
	\$114

Leaving for maintenance, ... \$26

I presume it will be unnecessary for me to do more than merely state the fact of the utter impossibility of my being able to maintain myself and family on \$26 a month, during the ten months that it will take to liquidate the balance of the loss, in a place in which the common necessities of life are more expensive than they are probably in any other part of the world.

In justice therefore to those dependent upon me I must at once relinquish an appointment which ceases to afford them a sufficient means of support, however painful it is to me to be compelled to do so at a time when charges affecting my character—prompted by malice though they be—and supported by falsehood as I have the means of shewing—are still the subject of official investigation.

I beg therefore to tender to His Excellency from this date my resignation of the offices of Justice of the Peace, Registrar General and Protector of Chinese which I have had the honor to hold under the Government of this Colony.

I have, &c.,

(Signed) D. R. CALDWELL.

The Honorable W. T. MERCER, Esq.,
Colonial Secretary.

From the Colonial Secretary to Mr. Caldwell.

No. 72.

COLONIAL SECRETARY'S OFFICE, VICTORIA, HONGKONG,
2nd February, 1861.

SIR,—I have laid your tender of resignation, this day delivered to me, before His Excellency The Governor who has consulted the Executive Council as to its acceptance or rejection.

As the grounds on which this resignation is based are entirely unconnected with the Inquiry at present before the Council, it is matter of surprise to His Excellency that you should desire to resign now any more than during the past seven months.

But as you have casually referred to the Inquiry I mention, His Excellency thinks it right that it should be pointed out to you that if the result of that Inquiry be favorable to you, every consideration will be given to your pecuniary embarrassment, and if unfavorable, your dismissal and not your resignation would follow.

In the meantime His Excellency is ready to discontinue your stoppages till the conclusion of the Inquiry, but declines, on public grounds as well as in justice to yourself, to accept your resignation at this stage of proceedings.

I have, &c.,

(Signed) W. T. MERCER,
Colonial Secretary.

D. R. CALDWELL, Esq.,
Registrar General.

From Mr. Caldwell to the Colonial Secretary.

VICTORIA, 4th February, 1861.

SIR,—I have the honor to acknowledge the receipt of your letter No. 72 dated the 2nd Instant, informing me that His Excellency cannot, on public grounds and in justice to myself, accept my resignation at the present stage of proceedings, and pointing out to me that if the result of the present Inquiry be favorable to me, every consideration will be given by His Excellency to my pecuniary embarrassments and that in the meantime His Excellency is ready to discontinue the stoppages from my salary till the conclusion of the present Inquiry.

In reply I beg to offer to His Excellency my grateful acknowledgments for the consideration he is prepared to extend to me. Had this been done sooner I should gladly and thankfully have accepted it; but having entered into other engagements it is wholly out of my power now to avail of His Excellency's clemency. The same reasons, among others which it is unnecessary for me to trouble His Excellency with, prevent my withdrawing my resignation;—but as the duties of the offices I lately had the honor to hold, are of a somewhat intricate nature, I shall willingly give any assistance in my power to the person appointed to succeed me, to prevent the possible occurrence of any public inconvenience by my resignation, should such assistance be required of me.

I beg to state that I have given over charge of the Office to the Chief Clerk Mr. Thomas Turner.

I have, &c.,

(Signed) D. R. CALDWELL.

The Honorable W. T. MERCER, Esq.,
Colonial Secretary.

From Mr. Caldwell to the Clerk of Councils.

VICTORIA, 4th February, 1861.

SIR,—The Executive Council having on Saturday last refused to receive a Protest read by me at its sitting on that day having reference to certain proceedings of the Council affecting myself, I have now the

honor to forward the same in an amended, and I trust, less objectionable form, and beg that you will have the goodness to lay the same before the Honorable Council with a respectful request from myself that they will be pleased to record the same on the Minutes of their proceedings this day.

I shall lose no time in the preparation of my defence, and will send you due notice, for the information of the Council, as soon as the same is ready for presentation.

I have, &c.,

(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

With regard to the statement which accompanied the above letter, The Governor decided that the same be returned to Mr. Caldwell unread,—with the remark that he might embody such parts of it as related to the charges which had been brought against him in his proposed Defence, but that the Council could not permit to be placed on their Minutes any Paper animadverting in disrespectful terms on the manner in which the Inquiry had been conducted by them.

There being no new matter for the Council to proceed with, it was resolved that Mr. Caldwell be allowed one month from this date for the preparation of his Defence, and that the Council do adjourn accordingly to Monday, the 4th March next, at noon.

MONDAY, 4TH MARCH, 1861.

In consequence of Mr. Caldwell's request, the Meeting of the Council, which stood adjourned for this day, was postponed to Tuesday, the 19th Instant, at noon.

TUESDAY, 19TH MARCH, 1861.

Mr. Caldwell having represented his inability to complete his Defence in time for to-day's meeting, the Council was adjourned to Saturday, the 30th Instant, at noon.

SATURDAY, 30TH MARCH, 1861.

In consequence of the Chief Justice's illness, the Meeting of the Council, which stood adjourned to this day, was postponed to Tuesday, the 2nd Proximo, at noon.

TUESDAY, 2ND APRIL, 1861.

No Meeting of the Council took place to-day, in consequence of absence of Members from indisposition; and the Council adjourned *sine die*.

28th Sitting.

FRIDAY, 14TH JUNE, 1861.

The Executive Council met to-day at half-past 12 P.M., by Special Summons.

PRESENT:

His Excellency The GOVERNOR.

The CHIEF JUSTICE.

The COLONIAL SECRETARY.

The Minutes of the Meeting of the 4th February last, were read and confirmed.

Read the following Correspondence had with Mr. Caldwell since the 12th Instant:—

No. 6.

Clerk of Councils to Mr. Caldwell.

COUNCIL CHAMBER, VICTORIA, HONGKONG,
12th June, 1861.

SIR,—I am directed to request your attendance at a Meeting of the Executive Council to be held on Friday next, the 14th Instant, at half-past 12 o'clock, for the purpose of giving consideration to the Documents recently submitted by you.

I have, &c.,
(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

D. R. CALDWELL, Esq.

Mr. Caldwell to Clerk of Councils.

VICTORIA, HONGKONG, 13th June, 1861.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday's date requesting my attendance at a Meeting of the Executive Council to-morrow for the purpose of giving consideration to the documents recently submitted by me.

In reply I beg to say that if the documents referred to be those pertaining to my charges against Mr. May, I am quite ready to go into proof of them on any day the Council may be pleased to fix for that purpose upon receiving due notice thereof; but if the documents to be considered be those having reference to Mr. Murrow's charges against myself, I must, for the reasons given in the opening pages of those documents, most respectfully decline attending before the Honorable Council.

I trust therefore, I shall stand excused in asking you to be good enough to inform me in which of the two cases my attendance is required.

I have, &c.,
(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

Clerk of Councils to Mr. Caldwell.

No. 7.

COUNCIL CHAMBER, VICTORIA, HONGKONG,
18th June, 1861.

SIR,—In reply to your letter of this morning I am directed to state, that the Documents I referred to are those submitted in your Defence.

I am also to point out that as such parts of these documents as form an attack on the Members of the Council will be necessarily expunged, and you will not have another opportunity of knowing how far such expungement is carried, it will be very advisable that you attend and read the documents yourself.

I have, &c.
(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

D. R. CALDWELL, Esq.

Mr. Caldwell to Clerk of Councils.

VICTORIA, HONGKONG, 14th June, 1861.

SIR,—I have the honor to acknowledge the receipt of your letter of yesterday in reply to mine of the same date.

I must respectfully decline to give any further attendance before the Honorable Council in any matter connected with the late investigation of the charges preferred against me by Mr. Murrow.

My reasons for adhering to this course are fully stated in the documents submitted by me in support of my defence, and I respectfully but strongly urge, that if, construing these into "an attack" on its Honorable Members, (which they are not and were never meant to be) the Council determine to expunge them, it will deprive those documents of much of their force, and will be a most unfair proceeding towards a man, who, standing on his defence, has had difficulties to contend against and disadvantages to overcome of no ordinary character during the whole course of the proceedings against him.

I only beg to repeat here the request I have already made to you, that as I have unfortunately retained only an imperfect copy of the first portion of the papers sent in by me, you will permit me the use of that particular portion for a few hours to enable me to supply the defect; a request you were good enough to say in your note to me of the 28th ultimo, should be complied with immediately His Honor the Chief Justice—in whose hands the papers then were—returned them to your office.

I have, &c.,
(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

The Papers forming Mr. Caldwell's Defence (the last portion of which was received by the Clerk of Councils on the 20th May,) were laid on the Table,—read as far as page 60. and ordered to be printed.

Read the subjoined Letter from Mr. Caldwell to the Clerk of Councils, covering Charges against Mr. May, as also the answer given to it by His Excellency's directions:—

Mr. Caldwell to Clerk of Councils.

VICTORIA, HONGKONG, 2nd April, 1861.

SIR,—With reference to the notice published by command of His Excellency the Governor in the *Government Gazette* of the 28th July last, No. 30, announcing the receipt of instructions from His Grace The Duke of Newcastle directing that “an Inquiry should be instituted into the abuses which have been alleged to exist in the Civil Service of Hongkong generally,” I have the honor to transmit herewith four charges of malversation of office against Mr. Charles May, the present Superintendent of Police and Acting Assistant Magistrate, which I request you will have the goodness to lay before the Executive Council at their Meeting this day.

I regret that indisposition prevents my attending the Meeting of the Council this day to hand in these charges in person; but as Dr. Bridges, who is an important and material witness in support of the 1st and 2nd charges, will quit Hongkong and proceed to England by the Mail which will leave this on the 15th instant, I beg that the Honorable Council will be pleased to appoint an early day for the reception of Dr. Bridges' evidence before that gentleman's departure from the Colony.

I shall be ready to go into proof of these charges on any day the Council may be pleased to name for that purpose.

I have, &c.,

(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

Charges against Mr. Charles May, the Superintendent of Police and Acting Assistant Magistrate of Hongkong, referred to in my Letter to the Clerk of Councils of this date.

1. With being cognizant and permitting the existence of a public brothel in Hollywood Road within a few doors of the house occupied by him, and although the existence of the same was officially brought to his notice, taking no steps to suppress the same, the keeping of such brothel being an offence under Ordinance 12 of 1857, and the suppression thereof being his duty as Superintendent of Police.

2. With altogether refusing to interfere himself or to permit the Police Force under his orders to carry out the provisions of Ordinance 12 of 1857 (the Brothels' Ordinance) in opposition to the terms of the said Ordinance.

3. With having by misrepresentations induced the Acting Chief Magistrate, who had sentenced a prisoner charged with receiving Goods in pawn without a license, to reverse his judgment and discharge the prisoner, there being conclusive evidence of his guilt.

4. With having on the 13th day of August, 1858, when examined as a witness at the Police Court in the case of *Regina v. Tarrant*, when asked if I possessed a knowledge of the Chinese written character, and whether I had ever translated any Chinese document for him, answered both questions in the negative, whereas he well knew, at the time, that I did possess a knowledge of the Chinese written character, and that I had frequently translated Chinese documents for him at his personal request.

(Signed) D. R. CALDWELL.

Hongkong, 2nd April, 1861.

Clerk of Councils to Mr. Caldwell.

No. 5.

COUNCIL CHAMBER, VICTORIA, HONGKONG,
2nd April, 1861.

SIR,—I am directed to acknowledge yours of this date, covering charges against Mr. May, which you request me to lay before the Executive Council this day.

Owing to the many and lengthened delays allowed you for your defence, the season is so far advanced that two Members of the Council are unable to attend through sickness, and this day's Meeting is necessarily postponed.

His Excellency the Governor directs me to inform you, that these charges shall be submitted to the Council as soon as that Body has come to a decision on your own case, and on the Council will then devolve the duty of advising whether recriminatory charges, brought at this late period, can be entertained under the terms of the Government Notification of 28th July last.

Should the Council advise an enquiry into them, it will be necessary that they be made more specifically than at present worded.

As regards Dr. Bridges' evidence I am to point out that the Council is not responsible for that gentleman's approaching departure, but that there is sufficient time for you to secure Dr. Bridges' written evidence, if he be willing to give it, on your application to him.

I have, &c.,

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

D. R. CALDWELL, Esq.

It was agreed that a Copy of the above Charges be transmitted to Mr. May, and an enquiry had into them at the next Meeting of the Council.—Mr. Caldwell to be notified accordingly.

Mr. Murrow made an application that the Council would consider Dr. Bridges' conduct in having ordered the Ma-chow Wong Papers to be burnt, after he had been offici-

ally informed by Mr. May that they contained evidence of Mr. Caldwell's guilt—as shown by the following extract from Mr. May's letter of 20th July, 1857, printed in the Blue Book:—

Wong Akee has been apprehended, and his houses searched, the books and papers being seized; amongst the latter are some papers in Mr. Caldwell's writing, showing that he has taken a direct interest in the business of Wong Akee. There are also entries in Chinese of monies received from or for Mr. Caldwell, amounting, in one account, to 600 dollars.—*Blue Book*, page 72.

The Council adjourned to Monday, the 17th Instant, at noon, unless the Supreme Court should be sitting on that day.

29th Sitting.

THURSDAY, 20TH JUNE, 1861.

The Executive Council met to-day at noon by Special Summons.

PRESENT:

His Excellency The GOVERNOR.
The Hon'ble The CHIEF JUSTICE.
The Hon'ble The COLONIAL SECRETARY.

The Minutes of last Meeting were read, corrected, and confirmed.

It having been reported by the Clerk of Councils that one month's time was required for the printing of Mr. Caldwell's Defence, the Council decided on proceeding with the charges brought against Mr. May by Mr. Caldwell, and entered on the Minutes of the last Meeting.

Mr. Caldwell was called on to proceed with his charges.

Mr. May begged, before the charges brought by Mr. Caldwell against him were proceeded with, to draw the attention of His Excellency to the fact that Mr. Caldwell had, in a pamphlet purporting to be a Vindication of his own conduct, made an allusion to him as the head of the Police that he had obtained the wealth he was said to possess by bribery. He, Mr. May, had asked His Excellency at a previous stage of this inquiry to call upon Mr. Caldwell either to substantiate this charge or to withdraw it. His Excellency then said that that was not the proper time to enter upon the subject, but that if charges were brought against him (Mr. May) he would have full opportunity of meeting the insinuation referred to, or any others which might be brought against him. Mr. May therefore thought this the proper time to renew his application.

His Excellency the Governor said the Council considered it desirable that the direct charges now brought by Mr. Caldwell against Mr. May should be gone into first, and at the close of them Mr. Caldwell might be called on to withdraw or proceed with the charge; or rather insinuation, alluded to.

The first charge was read:—

“With being cognizant and permitting the existence of a public brothel in Hollywood Road within a few doors of the house occupied by him, and although the existence of the same was officially brought to his notice, taking no steps to suppress the same, the keeping of such brothel being an offence under Ordinance 12 of 1857, and the suppression thereof being his duty as Superintendent of Police.”

Mr. Caldwell referred in support of this charge to the following extract from Dr. Bridges' evidence before the Caldwell Commission of Inquiry:—

I remember an inquiry concerning a charge against Mr. May of not putting down a notorious brothel. In March last one Atai was charged before the Magistrate with keeping an unlicensed brothel out of the brothel district under the following circumstances: Having had my attention drawn by a person in no way connected with the government to the fact that certain brothels were allowed out of the district, and in

particular to one—in the neighbourhood of Mr. Murray's house—I saw Mr. May, and requested him to cause this brothel to be put down. We had some conversation on the subject, and about a week afterwards finding that nothing had been done, I desired Mr. Caldwell to do what I had requested Mr. May to do. Mr. Caldwell took certain steps which led to the keeper of the house being brought up before the Chief Magistrate. I had also certain reason to believe that Mr. May was in the habit of frequenting a house in the immediate vicinity of this brothel, and I was determined that the fact should be elicited, if possible, at the investigation before the Magistrate. I attended as a spectator, and as Mr. Caldwell gave his evidence without in any way referring to Mr. May or to such house, I requested the Magistrate to put such questions to Mr. Caldwell as would elicit these facts, which I intended to bring to the notice of the Governor. The Magistrate did put the question; the facts were elicited; and also the belief of Mr. Caldwell that the woman living in the brothel had escaped therefrom into the house frequented by Mr. May. On the following day a letter was received by me, being also addressed to the Attorney-General and Chief Magistrate, making a violent attack upon Mr. Caldwell for the insufficiency of the grounds upon which he had supposed that the woman could escape into the house already referred to, and also attacking the motives from which the statement had been made. I wrote in consequence to Mr. May either on that or the following day, explained the circumstances under which Mr. Caldwell had given his evidence, and laid the whole matter before the Governor. This letter was written on the 11th March, and entirely exculpated Mr. Caldwell from having brought the matter forward, and shewing that what he did was on my action.

My report to the Governor bringing certain charges against Mr. May, and Mr. May's charges against Mr. Caldwell, were referred by His Excellency to the Chief Magistrate, who made two reports, the first blaming both Mr. May and Mr. Caldwell, the second* being on reconsideration of the blame upon Mr. Caldwell, an exculpation of him. Letters were written by order of His Excellency, conveying his decision both to Mr. May and Mr. Caldwell. The letter from His Excellency to Mr. May was in the nature of a very severe reprimand. There were two letters to Mr. Caldwell; the first on the occasion of the Chief Magistrate's report was also a severe reprimand, and that upon the reconsidered report* was in exculpation of him.—*Dr. Bridges' Evidence, page 20, Caldwell Commission Report.*

Mr. May explained that on one occasion he came up to Government Offices on business, and Dr. Bridges jocularly mentioned that Attai was keeping a brothel, and that he wished him (Mr. May) to look after it. He, Mr. May, replied that he was aware Attai was keeping a house, but that he believed it was not a low one, but rather one frequented by Gentlemen and used by kept women, and probably there would be much difficulty in proving that the house was a brothel. He also pointed out that the Ordinance invested the Registrar General with large powers in respect to unlicensed Brothels, which were withheld, for good reasons, from the Police, and that Mr. Caldwell was therefore the most fitting person to take immediate steps in the matter. He, however, said he would make inquiries, and on leaving Dr. Bridges he at once directed Mr. Jarman to look after the house and ascertain whether anything could be done about it. He heard nothing from Mr. Jarman after he had given him these instructions, and thought no more about the matter until he was informed that Mr. Caldwell had a few days afterwards—about a week—entered the house and laid an information against the keeper of it before the Chief Magistrate. Mr. Caldwell then swore that the inmates of the Brothel had escaped over the roof into his (Mr. May's) house. He admitted that Mr. Caldwell might really have believed such to have been the case when he made this statement on oath, but he blamed Mr. Caldwell for having brought such a serious charge against a brother Officer, especially one with whom he was on bad terms, without notice, behind his back, and with not having taken sufficient means to ascertain whether it was true or not. He accordingly remonstrated in strong terms officially at the time against the action taken by both Dr. Bridges and Mr. Caldwell in the matter, and denied the truth of the statement. An investigation was held, and all the papers were referred to Mr. Davies, the Chief Magistrate. The alleged escape of the women into his (Mr. May's) house was then found to be entirely false; indeed, it was impossible, there being fixed bars to the window, through which the women were said to have passed, as Mr. Caldwell might easily have ascertained. He now appealed to Mr. Caldwell to state whether he still believed that the statement sworn to by him before the Magistrate as to the escape of these women was true.

Mr. Caldwell replied that immediately after the conviction of Attai before the Magistrates, he had discovered his mistake as to the women having escaped into Mr. May's house. He believed they never left Attai's house, and had heard since that they were concealed on the shelves of a wardrobe behind the dresses. He, however, ascertained that they could not at all events have escaped into Mr. May's house as the window by which he had supposed they had entered, was barred. That on discovering his mistake he had written to the Government acknowledging it.

* This appears to have been a mistake of Dr. Bridges, as no such Letter is to be found amongst the archives of the office. The amended decision of Sir John Bowring as regards Mr. Caldwell appears to have been in consequence of a letter from Mr. Caldwell (of the 31st March, 1858), and not in consequence of one from the Chief Magistrate.—See pages 79 and 80.

Mr. May said this was the first time he had ever heard that Mr. Caldwell admitted his error; and he complained in strong terms that a public Officer should have made in open Court and on oath a statement most prejudicial to his character as a public Officer and man of honour, and on discovering that he had sworn falsely had neither communicated with him on the subject, nor made any public acknowledgment of his error.

Mr. Caldwell said he thought he had done enough in writing to the Government.

His Excellency pointed out to Mr. Caldwell that in his "Vindication" published more than two years after his discovery of his error, he had not only repeated the accusation against Mr. May as to the escape of the women into his (Mr. May's) house, but laboured to prove the correctness of this statement, which he now admitted he knew to be false.

Mr. Caldwell expressed surprise, and begged to be allowed to look at his "Vindication;" he thought he had there stated that that was only his impression at the time, but that he had subsequently discovered his error.

Mr. Caldwell, however, was unable to point out any such acknowledgment of error, or to offer any explanation whatever of his conduct in publishing in his Vindication a gross calumny on Mr. May, which he at the time knew to be false.

The second Charge was proceeded with:—

"With altogether refusing to interfere himself or to permit the Police Force under his orders to carry out the provisions of Ordinance 12 of 1857 (the Brothels' Ordinance) in opposition to the terms of the said Ordinance."

Mr. Caldwell referred in support of this Charge to the following extract from the evidence given by Dr. Bridges before the Caldwell Commission of Inquiry:—

The Registrar General has had much more to say to it than he would have had, but for the positive resistance offered by Mr. May. Finding that I could not get anything done by one officer, I was obliged to resort to another. It is the sole duty of the Registrar General to license the brothels, and it is the duty of both Registrar General and Superintendent of Police to prevent any violation of the law; but it is the special duty of the Superintendent of Police and the Police Force, to confine the brothels to the proper district, and take care that none exist out of it. I do not mean that this duty is expressly defined by the Ordinance, but it arises out of the general duty on the part of the Police to prevent any violation of any existing law. There are special duties assigned to the Registrar General by the Ordinance, such as Registration, licensing, receiving money and sending women to Hospital. The only special duty assigned by the Ordinance to the Superintendent, is having charge of Constables under the Ordinance, if such should be appointed.—*Dr. Bridges' Evidence, page 21, Caldwell Commission Report.*

Also to Mr. May's own statement before the Commission:—

I received a letter from the Acting Colonial Secretary by direction of the Governor,—stating that a charge had been brought against me by the Acting Colonial Secretary for not carrying out the Brothels' Ordinance, and censuring me for such misconduct. I distinctly state, that the cause of my opposition to the Police being employed in carrying out the Brothel Ordinance, as I several times verbally expressed to the Acting Colonial Secretary, was, that it would open a floodgate for the inundation of the Police department with bribery, extortion, and corruption, and that I thought it advisable to keep the temptation from the Police. I also considered, as I several times verbally expressed, that the Registrar General was the person appointed by the Ordinance to carry out its provisions, and I was loath to interfere in his management in any way.—*Mr. May's Evidence, page 22, Caldwell Commission Report.*

Mr. Cleverly.

Mr. Cleverly, the Chairman of the Caldwell Commission, was summoned by Mr. Caldwell. The charge as given above was read to him; and he was examined by Mr. Caldwell as to evidence stated to have been given by Dr. Bridges before the Caldwell Commission, but which had been expunged from their minutes. He said the Commission received all evidence that was tendered, not knowing what it might lead to. It was then printed, and all that was considered inadmissible, or irrelevant, was struck out. Had no recollection of any evidence being given by Dr. Bridges which would have supported the present charge. Remembered that Dr. Bridges expressed a general opinion that Mr. May had given tacit opposition to the Brothels' Ordinance, but no proof was

brought forward by Dr. Bridges in support of his opinion, or any instance of opposition mentioned to the Commission.

Mr. Cleverly.

In reply to Mr. May, Mr. Cleverly said, Mr. Caldwell in his evidence had led the Commission to believe that the women had escaped from Attai's house into Mr. May's, and he never to that moment knew that Mr. Caldwell entertained any doubt on the subject.

Mr. Caldwell applied that the following papers, referred to in the extract from Dr. Bridges' evidence before the Caldwell Commission, above given, should be laid before the Council and placed on the Minutes:—

Letter from Mr. May to Three Justices.

9th March.

DEAR SIRs,—In the case in which a woman named *Ahtai* was defendant, charged by the Registrar General with keeping a brothel in other than the allotted district, and during the hearing of which you sat on the Bench, the prosecutor stated in evidence, that he had reason to believe from sounds proceeding as from persons scrambling over the roof, that the prostitutes had effected their escape into an adjoining house; that he did not enter the said adjoining house, because he believed it to be occupied by a Portuguese female, who had informed him, the prosecutor, at the time of making some assessment, that the house occupied by her was to be entered as owned by Mr. May; the prosecutor also stated something about a side window in the house of the Portuguese female affording mode of ingress to the prostitutes escaping from defendant's house.

Feeling myself wantonly insulted by the unnecessary mention of my name, and being almost certain that a *very great* mistake (to use the mildest word) had been made by the Registrar General, I caused some enquiries to be made; firstly, I examined the Portuguese female (Mrs. de Rozario) who positively states, and is willing to depose on oath that she never gave any information to Mr. Caldwell in which my name occurred, either personally or by her servants; that personally she has not spoken to Mr. Caldwell for years. That with regard to any assessment she knows no farther than that the house is assessed for Police Rate to the Chinese occupant of the basement story (opening into a lower road to that in which the front entrance of the two upper stories issue) and that for the purposes of Census, the Census paper was addressed in her own name.

I also looked at the premises, and it is certain that no person could gain admission therein when fleeing over the roofs from the house of defendant. To give assurance on this point I requested Inspector Jarman of the Police, to make examination of the premises, and his report thereon I enclose.

I send these particulars to those sitting on the Bench at the time the case was heard, in order, *first*, to give the truth of the matter in so far as to remove from the evidence (upon which the decision was given) so much of it as by inference, hearsay, or direct testimony, refers to Mrs. de Rozario or her house.

Secondly, to exhibit the culpable carelessness with which the prosecutor states on oath, matters, which upon a proper investigation, he would not have stated, because he would have ascertained the truth of the case by such investigation.

And thirdly, to express my utter disgust and contempt for the person who could have the petty malignity, to mention unnecessarily, uncalled for, and when not affecting the peculiar enquiry at issue, the name of one, with whom, as is well known, the utterer is at undisguised enmity.

I know in such a matter it would be difficult to obtain redress, because when scandal is once set abroad there is no stopping its progress, and although the falsity of an assertion may be shewn it is nevertheless remembered that an assertion or scandal has been raised, and domestic comfort may be sacrificed by the attempt to remove a foul straw blown by the dirty and biassed breath of a dishonorable enemy.

I am, &c.,

(Signed) C. MAY.

The Honorable T. C. ANSTEY, Esq.
The Honorable W. T. BRIDGES, Esq., D.C.L.
The Honorable H. T. DAVIES, Esq.

Dr. Bridges' reply.

No. 125.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 11th March, 1858.

SIR,—I received a letter from you yesterday, having reference to a case lately heard before the Chief Magistrate. I am not aware whether you intended to address me in my private or official capacity, but I consider it to be my duty to explain to you the action which I officially took in the matter, as it will relieve your mind of a mistake under which you are labouring with regard to the conduct of the Registrar General.

I had been led to suppose that a notorious brothel was, contrary to the provisions of the recent Ordinance, in existence in close proximity to a house occupied by a Portuguese female stated to be kept by you as your mistress. I do not know whether such statement is true, and I shall be very glad to learn from you that it is false, but acting on such statement and believing it up to the present time to be correct, I directed the Registrar General to attempt to obtain evidence sufficient to convict the brothel-keeper of violating the provisions of the Ordinance. That officer having informed me that he had obtained such evidence, I attended the Magistrate's Court as a spectator for the purpose of learning whether there were sufficient grounds for me to inform His Excellency the Governor officially that so great an obstruction existed to the carrying out

of the provisions of Ordinance 12 of 1857, as the one above stated. The fact of the existence of the brothel was notorious to the Chief Magistrate, and to most of the neighbouring residents; if so it could hardly have been unknown by an habitual frequenter of an almost next door house, and if that person were the Superintendent of Police, and he took no steps to vindicate the law, I could hardly conceive a greater breach of duty on the part of an officer charged with his peculiar duties. So far from the Registrar General willingly bringing forward your name in connexion with this case, he was altogether avoiding any reference to any adjoining house until, at my suggestion, the Chief Magistrate elicited the facts from him, which, whether true or false, have induced you to make use of the language employed by you in your letter of yesterday dated the 9th. Upon that letter I have nothing more to remark at present—I shall lay it, with the notes of the Chief Magistrate, and a minute of my own, before His Excellency the Governor.

You will therefore understand that my object in thus addressing you is to explain to you that what has been done in this matter by the Registrar General has not originated with him, but from my acting under the impression that it is my duty to attempt to alter what I conceive to be a scandal upon Police direction in this Colony.

I have, &c.,

(Signed) W. T. BRIDGES,
Acting Colonial Secretary.

C. MAY, Esq.
Superintendent of Police.

Mr. May's rejoinder.

No. 12.

OFFICE OF SUPERINTENDENT OF POLICE, VICTORIA,
HONGKONG, 12th March, 1858.

SIR,—I have to acknowledge receipt of your letter No. 125, dated 11th March, written during the absence of His Excellency the Governor at Canton. The Circular referred to therein, as it shows upon the face of it, was written by me as a Justice of the Peace to three brother Justices, who were sitting on the Bench when an insinuation based on falsehood was uttered by a witness in a case under hearing, and which insinuation, if unnoticed by me, was calculated to injure my character, and be a lasting reproach to my honor. The Circular contained within itself and its accompanying report from Inspector Jarman ample refutation of all inferences injurious to me, and also expressed deep indignation, that I should have been thus wantonly assailed by an Officer of Government, who is well known to have a spirit of hostility towards me, caused, because in the necessary performance of my duty, I exposed to Her Majesty's Government that, for a series of years, he was either the dupe or the partizan of a man convicted of confederating with pirates—the notorious Wong Akee, alias Mah-chow Wong.

I had hoped that the refutation would have obtained the desired end, but your letter painfully undeceived me, and I am therefore, after a service of twenty three years in Her Majesty's Government, compelled still further to reply to so degrading an insinuation.

I offer no reply to one part of your letter because I am assured His Excellency will not tolerate any invasion upon private reputation unconnected in any way with the public Service or Duty.

Your letter states that you intend laying before His Excellency the Governor my Circular, together with the notes of the Chief Magistrate, and a minute of your own. I should like that the report of Inspector Jarman be also laid before His Excellency, and that, if the notes of the Chief Magistrate were written before he perused my refutation, that that Gentleman may have opportunity to state what were his opinions after such perusal, and I have no doubt but that His Excellency will think it proper to obtain the opinions or notes of the third Justice present at the utterance of the scandal.

I have now only to reply to the last charge, viz., that it is deduced from inference that I knew of the existence of the brothel prosecuted by the Registrar General. I beg therefore to draw your recollection to a conversation I held with you ten days back on the subject of the said brothel. You then informed me, that a Military Gentleman had told you *certain particulars* about the house, situated in a range of buildings, one of which was occupied by Mr. Almeida; and you described the position of the suspected house, stating that you believed it to be kept by a woman named *Ahtai*. You requested me to direct Inspector Jarman to look after the matter. I told you then, that I did not know of the existence of such a house, but would do as you desired. Showing that I complied with your request, I enclose a report from Inspector Jarman. Up to the time of your mentioning the subject, I was under the impression that the three houses, of which the suspected one is the centre, were all occupied by Parsee Merchants, and as regards my frequently passing the house and thereby gaining knowledge by observation, I beg to declare *upon my honor*, that I have not passed the house ten times in one month during the four months I resumed my Office of Superintendent of Police.

I must further state that I cannot draw the inference you do from the relative position of the respective houses occupied by Mrs. Rozario and the prostitute *Ahtai*, that the occupant of one should be supposed to know the character of the other, inasmuch as both houses in regard to each other are four houses (round the angle of the range) distant from each other, in different Streets.

Touching "inference and deduction" however, on so grave a matter, I believe I need not have made reply. The reputation of a man is not to be placed at the hazard of inference.

Having thus respectfully, although feeling deeply injured, as much by your official letter as by the misstatement and insinuation of the Registrar General, answered your letter, I respectfully appeal to His Excellency the Governor to give me that justice which I can only seek at his hands. The only consolation I have is the full knowledge of the rectitude of my public conduct being understood and appreciated by the public, and I am assured, that even without defence, there is not one man in the Colony (not even the Registrar General) who can say that he ever knew me swerve from what I considered my duty.

I have, &c.,

(Signed) C. MAY,
Superintendent of Police.

NOTE.—I perceive from Mr. Jarman's report that he does not recollect my instructing him to look after the house; but my firm belief is that I did, because it is obvious that I could only have had that intention. The

matter was so curiously (and jocularly) mentioned by the Acting Colonial Secretary, that I never gave the subject a thought until I was astounded by the proceedings at the Police Court.—C.M.

The Honorable The ACTING COLONIAL SECRETARY.

Enclosure No. 1 in Mr. May's letter

VICTORIA, HONGKONG, 10th March, 1858.

CHAS. MAY, Esq.

SIR,—In accordance with your request of this date I examined the residence of Mrs. de Rozario's, and am of opinion that it is quite impossible for any female to escape from Mrs. Attai's residence to that of Mrs. Rozario's.

But without much difficulty a female could escape from Mrs. Attai's to that of Mrs. Ah Yow's, the latter being the intermediate house between that of Mrs. Rozario's and Mrs. Attai's. I notice there is a side window to the house occupied by Mrs. Rozario, but as there are *permanent window's bars** to that window it would effectually prevent any person gaining entrance there.

I have, &c.,

(Signed) JAS. JARMAN,
Inspector of Police.

* Fixed and immoveable bars.—C.M.

Enclosure No. 2 in Mr. May's letter.

12th March, 1858.

SIR,—With reference to a conversation that took place about a fortnight ago, it runs as follows to the best of my recollection. I complained to you that one of the horse coolies had been neglecting a Police horse. You directed me to send for the Coolie, which I did and immediately after you asked me if I knew whether a female named Attai was residing in any of the houses, in the turning west of the Union Chapel: I said that I believed she was. That the last time I summoned her I heard that she had purchased a house from Mrs. Ahken in that Street. Some conversation further took place touching the identity of the woman Attai as having formerly dressed in European Clothes, and I stated that I believed the girls in her house were kept girls. I do not perfectly recollect whether I received any order on the subject of watching the house.

I have, &c.,

(Signed) JAS. JARMAN,
Inspector of Police.

CHARLES MAY, Esq.,
Superintendent of Police.

Mr. Bridges' Memo: to Sir John Bowring, with enclosures.

SIR,—I have the honor to submit to your Excellency the accompanying documents, being the Depositions taken by the Chief Magistrate in the case of Regina v. Ahtai, convicted of keeping a brothel.

A letter addressed by Mr. May to Mr. Anstey, Mr. Davies and myself.

An official letter from me to the Superintendent of Police, Mr. May.

If I am correctly informed, the Superintendent of Police, being a married man, has been keeping a mistress within one door of a brothel kept open in violation of the Ordinance restricting such houses to a certain locality, and the fact of the existence of this brothel was notorious to all the surrounding neighbourhood, and a general subject of complaint. No attempt has been made by the Superintendent of Police to cause this violation of the law to be suppressed, and I am therefore bound to suppose him to sanction its existence.

Ordinance 12 of 1857 did not, when originally suggested by me, meet with the approval of your Excellency, but since it has become law I feel bound to state that you have given me all the support which appeared necessary for the effectual carrying out of the measure. It will be however impossible for me to attempt to discharge the duties of my office with regard to this Ordinance if in addition to the tacit opposition which the Superintendent of Police has given to it in every possible way from the commencement, he be permitted to give positive encouragement to offenders in the manner I have above mentioned. The whole Police Force necessarily follow the lead set them by their Chief, and I am now at no loss to understand why my endeavours to carry out thoroughly what I believed to be a beneficial enactment, have never been aided by the Police, but solely by the Registrar General and the Inspector of Nuisances. Unless forced to do so I would be the last man to enquire how any servant of the Queen here observes or disregards the ordinary laws of morality, but now that this question has assumed an official shape I feel bound to call to the remembrance of your Excellency that Mr. May was for a considerable period a cause of great scandal to this community as the owner of the most offensive brothel property in this Colony. And I beg also to state that for many months (previous to my tenure of Office) he had this very same woman Rozario living and sleeping with him at his quarters, as Superintendent of Police, to the great offence of other married members of the Force.

I attach so much importance to the conduct of the Superintendent of Police, and to the feeling evinced by him towards the Registrar General, who in this matter has only obeyed my official directions, that unless your Excellency is pleased to give me full support in carrying out what I conceive to be my duties, I must most reluctantly request your Excellency to relieve me from them.

The subordinate executive machinery of this Colony rests almost entirely on the Registrar General and the Superintendent of Police. Of the former I have never had reason to complain; the latter has rarely given me satisfaction; I believe that he has by degrees amassed a certain amount of property, and the duties of his Office are generally sacrificed to his private concerns. As far as I can ascertain, the ill-feeling evinced by Mr. May to Mr. Caldwell arises solely from the latter occupying a higher post than himself in the Government service, whereas he was at one time Mr. May's subordinate. The services of the present Registrar General are invaluable to the Colony, those of the present Superintendent of Police could be very easily dispensed with.

Your Excellency is aware that I am not now for the first time expressing an unfavorable opinion of Mr. May, but each successive month confirms my views of his unfitness for his present post.

I should be very unwilling that the Right Hon'ble the Secretary of State for the Colonies should have reason to suppose that Ordinance 12 of 1857 failed from inherent defects, as after my warm advocacy of it my credit is to a certain degree involved in it. If therefore your Excellency declines to sanction by your approval the view which I have taken, I most respectfully request that all the documents may be forwarded to the Colonial Office for the information of Mr. Labouchere.

W. T. BRIDGES.

Colonial Secretary's Office, Victoria, Hongkong, 11th March, 1857.

Postscript.—Since writing the above I have received a letter from the Superintendent of Police which I annex. Its tone towards myself and the feeling it exhibits towards the Registrar General are such as to confirm the views that I have herein respectfully submitted to His Excellency, and to render my farther tenure of office worthless to Her Majesty's Service in this Colony if the conduct of the Superintendent of Police is not visited by punishment.—W.T.B.

12th March, 1858.

COPY.

Commenced 9th March

Remanded Warrant No.

Concluded 9th March.



C. M. Court, No. 517.

Warrant, No.

P. Sessions, No.

Warrant, No.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY OF HONGKONG.

Minutes of Proceedings in the Cause in which D. R. CALDWELL, Registrar General, &c., is Plaintiff; and

- | | | |
|-----------------|---|---------------|
| 1. CHUN-TAI-YOW | 26 of Canton, married woman. | } Defendants. |
| 2. WONG-AH-NGAN | 24 of Heongshan, wife of Yoong-ah-chaong. | |
| 3. SUIN-SAM-PO | 74 of Suntak, widow. | |
| 4. CHUN-AH-WOON | 31 of Canton, wife of Chun-chui-hoi. | |
| 5. WONG-ATAI | 24 of Shanghai, female. | |

MEMORANDUM.

Date.	DOLLARS. In O. B. C. Notes.	DOLLARS. In Silver.	RUPEES.	CASH.	STERLING.
-------	-----------------------------------	------------------------	---------	-------	-----------

9th Mar. Fines 40	75				
-------------------	----	--	--	--	--

正
月收銀七十五圓
廿收紙銀四十圓
四
日

Defendants in Court.

Tuesday, 9th March, 1858.

DANIEL RICHARD CALDWELL, Registrar General, sworn, deposes. On Saturday night last, at 11 P.M., I went to the house of 5th defendant in Hollywood Road outside of the districts where brothels are allowed. I knocked for some time, and while so doing I heard 5th defendant call out to keep the "devils" (foreigners) quiet. I heard the voices of women inside. I was kept their half-an-hour. I said who I was, and then the door was opened. In a room on the lower floor I saw three European men. I went upstairs, and on the verandah of the 2d floor I saw another foreigner in the corner. I searched the house but could find no women, except defendant, and one or two old women. I said to her that I must take her to the Station on the charge of keeping a brothel; she said if I insisted on her leaving the house she would go elsewhere, or that she would pay the fine at once, but asked me to be tender with her. There was a window where women could get out. I heard women voices; before I went in I had the house surrounded so that I am sure no women got out into the streets. They could only have got into a house No. 894 Elgin Street. It is a private house, and therefore I did not go into it. The house belongs to a Government Official. I registered the house as belonging to Mr. May, when the Portuguese woman who was occupying it was asked whose it was. That is the reason I did not go in. Had it been a Chinese house I should have gone in. I know the 5th defendant has been fined here before for keeping a house to which prostitutes resort. On Sunday night last, I visited the house of 4th defendant in Wellington Street No. 601 outside of the privileged districts. I went into it, and there I found a girl sitting outside one of the rooms, and inside, but above, on a small loft two other girls secreted. I then got a light and found two more. While I was directing the defendant to come to the Station for keeping a brothel, she saying that she had just come from Canton—three Europeans came in, two civilians, and one military officer. They walked into one of the rooms and an older woman said they must go away. I left the house, and the men came out afterwards. I did not speak to them. These women appeared in dress, &c., to be prostitutes with white trowsers, and the house was fitted up as a brothel for Europeans. I heard one of the women say "I have white trowsers on, I cannot come down." Chaste women, married or single, do not wear white cotton trowsers. The defendant or the old woman said "never mind, say you're kept by a Parsee." They were strangers here, and say they have lately come from Canton. I did not speak Chinese at first. The European visitors went directly to one of the rooms. In answer to 5th defendant.—You did say you

had no girls in the house and could not let me in, you said this in English; you said why should you fine me, when you do not fine others. I have had complaints of the house before. The house is fitted up as a brothel. *In answer to 4th defendant.*—The military officer was in English service.

1st, 2nd, and 3rd Defendants discharged.

5th Defendant to pay a fine of \$75, in default imprisonment for one month.

4th Defendant to pay a fine of \$40, in default one month's imprisonment.

H. TUDOR DAVIES,
Chief Magistrate.

Mr. Davies' Report.

HONGKONG, Friday, 19th March, 1858.

SIR,—1.—On Tuesday last your Excellency placed in my hands the documents notified in the margin and herewith returned, and you desired that I should fully report to you on all the matters to which they relate for your guidance in coming to a decision on the action it would befit you to take.

Copy depositions
Police Court, case
1858.

2.—I have now the honor to report to your Excellency as follows:—

The subject matters of the documents are a charge by the Superintendent of Police (Mr. May) against the Registrar General (Mr. Caldwell), and a charge by the Acting Colonial Secretary (Dr. Bridges) against the Superintendent of Police (Mr. May.)

Letter from Mr. M
to Messrs. Bridg
Anstey, and Davi
9th March, 1858.

3.—Mr. May's charge against Mr. Caldwell is that the latter did with "culpable negligence" state on oath before myself, as sitting Magistrate, in the investigation of a case of unlicensed brothel keeping, that certain prostitutes escaped from the brothel into a neighbouring house registered in Mr. May's name: that Mr. Caldwell made this statement unnecessarily; and that in doing so he was actuated by the impure suggestions of private malice.

Dr. Bridges to A
May, 11th Mar., 1858.

4.—That Mr. Caldwell made such statement there is no doubt. That the statement that the women escaped into a house said to be Mr. May's is entirely false is equally beyond doubt; as it is also clear from Mr. Jarman's letter that the slightest care on Mr. Caldwell's part would have prevented him from making such a statement. Whether the house was registered in Mr. May's name does not appear quite clear.

Mr. May to I
Bridges, 12th Marc
1858.

5.—However hostile Mr. Caldwell's feelings towards Mr. May may be, it was certainly not at the dictate of such feelings that he made his statements, for he made them necessarily and not unnecessarily in direct answer to questions put by myself; and I am bound to add that he did so tardily and as it seemed to me with reluctance:—This I have already told Mr. May in answer to that gentleman's circular letter to Dr. Bridges, Mr. Anstey, and myself.

Inspector Jarm
to Mr. May, 10
March, 1858.

6.—But Mr. May charges Mr. Caldwell with having shewn not merely negligence but culpable negligence; and from Mr. May's violent language it is manifest that he means not simply negligence, culpable as it must always be in such a case, but in the highest degree culpable.

Inspector Jarm
to Mr. May, 12
March, 1858.

7.—Mr. Caldwell and Mr. May are, for the purposes of carrying out the Ordinance under which the case came, joint Superintendents of Police. Mr. Caldwell knew that the fact of prostitutes escaping from an unlicensed brothel into a house registered in the name of a person, whose especial duty it was to prosecute such brothels, was a fact most damaging to the character of that person. From the nature of the fact therefore, from the peculiar official position of Mr. May, from the official relation of Mr. May to Mr. Caldwell, and from their asserted mutual hostility, it was manifestly the duty of the latter to have exhibited the most anxious care and to have most jealously watched himself that in ascertaining such a fact, and in swearing to it, he was not in error.—Instead of this he swears to a fact which the slightest care would have shewn him not only did not take place, but which could not possibly have taken place. Surely we cannot be surprised that Mr. May stigmatizes such conduct as culpable negligence. Were Mr. Caldwell and Mr. May Chinese, whose characters were unknown to me, I should think a far severer epithet more applicable: but in Mr. Caldwell's case I am convinced it was negligence in the highest degree culpable, and I am happy to add that I am as strongly convinced that it was nothing worse. Such being my opinion, I cannot express any surprise at Mr. May's extreme indignation, and that he has been hurried into imputing dishonorable motives to Mr. Caldwell and into using language which in a calmer mood he might have avoided.

Minute of Acti
Colonial Secretary
His Excellency Sir
Bowring, 12th Marc
1858.

8.—Dr. Bridges' charge against Mr. May is that the latter has neglected his duty as Superintendent of Police, not merely in "tacitly opposing in every possible way" the carrying out of an Ordinance which it was his especial duty actively to enforce, but that he has actively "encouraged offenders," and that he "generally sacrifices his duty to his private concerns." He also complains of the tone of Mr. May's letters towards him, and of Mr. May's past and present immorality in keeping a mistress, and of the deteriorating influence of that immorality on the Police, when that mistress was kept in his official quarters.

9.—On the latter part of these charges I conceive that it is not within my province to speak. As to the passive and active opposition offered by Mr. May to the enforcement of the Ordinance against brothels, Dr. Bridges states that Mr. May has rarely given him satisfaction, and that he has tacitly opposed it in every way from the commencement. Dr. Bridges has doubtless more facts to bring in support of this charge, but in the present documents one only is stated, viz:—that Mr. May, being Superintendent of Police, suffered a most notorious unlicensed brothel to exist, notwithstanding that Dr. Bridges had himself informed him of its existence some 10 days before its proprietor was charged at the Police Court, and although Mr. May must have been fully aware of its existence, as he kept a mistress within a door or two of the brothel.

10.—It is not proved that Mr. May did keep a mistress at the house mentioned—nor is it denied. I shall therefore leave this allegation out of my consideration. It is admitted by Mr. May that Dr. Bridges did speak to him on the subject of the brothel, and Mr. May states that he thinks he gave Inspector Jarman orders to watch the house.

11.—That the house was a brothel, or certainly a house frequented by prostitutes, and one most glaringly disreputable and disorderly, I was myself aware, as were other persons whom I could name. It was in a well known and frequented street, and had existed for some time. The mistress had been recently charged and convicted under the old law of keeping a house to which prostitutes resorted.

12.—That the Superintendent of Police therefore should have been ignorant of its existence is in the highest degree surprising. That he, whose duty it was to seek out secret brothels which shunned the light should not have known of one that impudently courted the noon-day blaze is certainly indicative of negligence. That after having had it mentioned to him, he should not in ten days have taken any active measures for its suppression is inconceivable. Who can wonder therefore that Dr. Bridges should believe that Mr. May sinned with his eyes open, and that he acted in intentional and direct opposition to his positive duty?

13.—It is not competent for me to bring in evidence my previous knowledge of Mr. May's character, otherwise I should show why I do not believe in the correctness of Dr. Bridges' opinion, notwithstanding the above evidence.

14.—I have been directed by your Excellency to advise you from the facts set forth in the papers before me as to the course you should take. I cannot hesitate to say that I think your Excellency must feel compelled to call upon Mr. May to answer this very grave charge—as evidenced at present only by the fact just stated—in a fuller manner than he has hitherto answered it. If Dr. Bridges has other facts to adduce in support of the charge you will I presume call upon him distinctly to state them, in order that Mr. May may have an opportunity of meeting them. I do not see how your Excellency can avoid this inquiry, nor do I apprehend that you will find any difficulty in coming to a decision as to whether Mr. May has actively opposed the carrying out of a law which it was his duty actively to enforce, whether he has been merely negligent of his duty, or whether he is entirely free from all blame.

15.—With very great pain, and only in obedience to your Excellency's orders, I must add that on the evidence before me I am of opinion that Mr. May has been negligent of his duty as Superintendent of Police.

I have, &c.,

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

To His Excellency SIR JOHN BOWRING,
Governor of Hongkong, &c., &c., &c.

Memorandum by Sir John Bowring.

1.—I have read with much concern the correspondence connected with the proceedings of public functionaries in reference to the Brothel Ordinance.

2.—As regards the Superintendent of Police there is a general charge made by the Acting Colonial Secretary of opposition offered by Mr. May to the enforcement of the Brothel Ordinance. One case only is adduced by Mr. Bridges which exhibits a culpable neglect of duty on the part of Mr. May, who did not give prompt attention to the instructions of the Acting Colonial Secretary relative to Atai's brothel. I cannot view this neglect without the expression of my marked disapprobation, associated with the hope that in future there will be no repetition of such laxity. Mr. May must be aware that the Brothel Ordinance is so specially under his charge that its efficient working mainly depends upon his ready and hearty co-operation. In Atai's case it would seem ten days were allowed to elapse without either bringing the defendant to justice or reporting to the Acting Colonial Secretary the cause of delay—and the proceedings were finally instituted and a conviction obtained at the instance of the Registrar General.

3.—Mr. May's long standing in the service must have made him acquainted with the forms of official correspondence, and I cannot pass over the disrespect he has shewn to Mr. Bridges on two occasions in the Documents before me, by the position he has given to the name and title of the Acting Colonial Secretary. For this slight he owes an apology to Mr. Bridges.

4.—The Registrar General did in my judgment give evidence in Atai's case tending to implicate Mr. May in direct complicity with the brothel in question, which evidence is contradicted and that charge certainly not established. Justice requires that Mr. Caldwell should revise his statements as to the mode of escape of the prostitutes whom he supposed had been assisted by a party under Mr. May's protection. On being convinced of his error I think Mr. Caldwell should convey to Mr. May the expression of his regret with the acknowledgement of that error—and I recommend greater caution in any statements connected with the execution of his responsible duties.

5.—If Mr. Bridges still desires to enter more generally into his accusations against Mr. May; viz: "that he has in every possible way given tacit opposition to the effectual working of the Brothel Ordinance,"—that "he gives positive encouragement to offenders,"—and that "the whole of the Police force follow the lead of their Chief,"—the gravity of such accusations makes it necessary that the particular instances of Mr. May's so offending should be distinctly stated,—when justice to the Government and to Mr. May may necessitate a thorough investigation into the averments.

Paragraphs 1, 2 and 3 to be communicated to Mr. May, 1 and 4 to Mr. Caldwell, No. 5 to Dr. Bridges.
—J. B.—22/3/58.—G.O.

No. 152.

Mr. Bridges to Mr. May.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 23rd March, 1858.

SIR.—The following documents having been submitted by me to His Excellency the Governor,—
The depositions taken by the Chief Magistrate in the case of Regina v. Ahtai, convicted of keeping a brothel.

A letter addressed by Mr. May to Mr. Anstey, Mr. Davies and Mr. Bridges.

An official letter from the Acting Colonial Secretary to the Superintendent of Police.

An official reply to the above enclosing a report by Mr. Inspector Jarman;—

His Excellency has been pleased to direct the following minute on such correspondence to be communicated to you,—

1.—I have read with much concern the correspondence connected with the proceedings of public functionaries in reference to the brothel Ordinance.

2.—As regards the Superintendent of Police there is a general charge made by the Acting Colonial Secretary of opposition offered by Mr. May to the enforcement of the brothel Ordinance. One case only is adduced by Mr. Bridges which exhibits a culpable neglect of duty on the part of Mr. May, who did not give prompt attention to the instructions of the Acting Colonial Secretary relative to Atai's brothel. I cannot view this neglect without the expression of my marked disapprobation, associated with the hope that in future there will be no repetition of such laxity. Mr. May must be aware that the brothel Ordinance is so specially under his charge that its efficient working mainly depends upon his ready and hearty co-operation. In Atai's case it would seem ten days were allowed to elapse without either bringing the defendant to justice or reporting to the Acting Colonial Secretary the cause of delay—and the proceedings were finally instituted and a conviction obtained at the instance of the Registrar General.

3.—Mr. May's long standing in the service must have made him acquainted with the forms of official correspondence, and I cannot pass over the disrespect he has shown to Mr. Bridges on two occasions in the Documents before me, by the position he has given to the name and title of the Acting Colonial Secretary. For this slight he owes an apology to Mr. Bridges.

I am so desirous of keeping my private feelings distinct from my official duties in this as in all other matters that it will be more pleasant to me if nothing further be said on the subject of a personal apology.

I have, &c.,

(Signed) W. T. BRIDGES,
Acting Colonial Secretary.

THE SUPERINTENDENT OF POLICE.

Mr. Bridges to Mr. Caldwell.

No. 153.

COLONIAL SECRETARY'S OFFICE, VICTORIA, HONGKONG,
23rd March, 1858.

SIR,—The depositions in the case of Ahtai convicted of keeping a brothel having with other documents connected therewith been laid by me officially before His Excellency the Governor, he has been pleased to direct the following minute regarding your conduct therein to be communicated to you,—

1.—I have read with much concern the correspondence connected with the proceedings of public functionaries in reference to the brothel Ordinance.

4.—The Registrar General did in my judgment give evidence in Atai's case tending to implicate Mr. May in direct complicity with the Brothel in question, which evidence is contradicted and that charge certainly not established. Justice requires that Mr. Caldwell should revise his statements as to the mode of escape of the prostitutes whom he supposed had been assisted by a party under Mr. May's protection. On being convinced of his error I think Mr. Caldwell should convey to Mr. May the expression of his regret with the acknowledgment of that error—and I recommend greater caution in any statements connected with the execution of his responsible duties.

I have, &c.,

(Signed) W. T. BRIDGES,
Acting Colonial Secretary.

THE REGISTRAR GENERAL.

Mr. Caldwell to Mr. Bridges.

No. 15.

REGISTRAR GENERAL'S OFFICE, VICTORIA,
HONGKONG, 31st March, 1858.

SIR,—I have the honour to acknowledge the receipt of your letter of the 23rd instant, communicating to me the minute made by His Excellency the Governor regarding my conduct connected with the case of a woman named Ahtai, convicted of keeping a Brothel, and as it would appear from the wording of the minute that I have made a statement which is not true, and that His Excellency calls upon me in justice to Mr. May to express my regret and to acknowledge the error, I feel it my duty respectfully to represent to His Excellency, that at the time I made the discovery of a window being on the side of a house belonging to Mr. May, and close to a roof leading from Ahtai's house, and the fact that Ahtai's women were in the house when I first knocked, and not finding them when I gained admission, and that if they left the house at all, they must have gone through that window; there being apparently no other means of escape or concealment, I considered I was right in the conclusion I then came to, and which the Constable who was with me at the time agreed to, viz., that the women had escaped through that window; that they actually did so I could not say, but I only stated what was my impression at the time; as to the practicability of any women or even a child making their escape from the roof to the window, I am now the more positive, as I have since inspected the place in company with Mr. Jarman, who, I believe, has stated that it is quite impossible for any woman to do so, and to which statement he still adheres, although, strange to say, he would not do so at the time he examined the place with me, but requested that I would give him the night to consider over the matter! and, as I expected, the next morning he informed me he could not alter his former statement. The distance from the window to the edge of the roof is just about 2 feet, the lower part of the former being on a level with the latter, the window being about 3 feet high, the Venetians, when opened, would project on each side of the window about a foot, thus affording a very convenient support to a person stepping across, and I must consequently adhere to my former statement that the window afforded

a most ready means of escape for even a child; I must however acknowledge that on my last examination of the premises the window in question I found open and observed that there are wooden bars to it; if these bars, being fixtures, were in the window on the night in question of course it would have been impossible for any person to have gone through, but at the time it was shut and knowing that the house belonged to Mr. May I did not attempt to open it; had I not known this, I should certainly have endeavoured to have gone through the window in pursuit of the women.

I beg further to state that I had no wish to connect Mr. May in any way with the case; on the contrary, I purposely avoided it by describing his house as a private house, but the evidence which I afterwards gave regarding him and his house was forced from me by questions from yourself through the Chief Magistrate, to which I was bound to reply. Had I voluntarily brought Mr. May's name unnecessarily into the matter I might reasonably be expected to apologise for having done so, but I beg respectfully to observe that I was only doing my duty in replying to questions put to me by my superiors and acting up to the oath administered to me before I was called upon to give evidence.

I have, &c.,

(Signed) D. R. CALDWELL,
Registrar General and Protector of Chinese.

Honorable W. T. BRIDGES, Esq., D.C.L.,
Acting Colonial Secretary,
&c., &c., &c.

I am respectfully of opinion that the Registrar General's explanation is completely satisfactory, and I venture to hope that His Excellency the Governor will authorise me to state so officially.—W.T.B.—31/3/58.

Memo: to Mr. Bridges.

State to Mr. Caldwell that having caused further information to be taken and convinced myself that the statement was made by him as to the escape of the women without any *mala fides* on his part, his explanation is deemed satisfactory.—J. B.—3/4/58.

Mr. Bridges to Mr. Caldwell.

No. 181.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 3rd April, 1858.

SIR,—I have submitted to His Excellency the Governor your letter No. 3, and I am directed to inform you that His Excellency having caused further information to be taken in the circumstances connected with the case of Ahtai's house, is convinced that the statement made by you as to the escape of the women was made in good faith on your part.

His Excellency is therefore of opinion that your explanation is satisfactory.

I have, &c.,

(Signed) W. T. BRIDGES,
Acting Colonial Secretary.

The REGISTRAR GENERAL.

Mr. Caldwell having no further evidence to produce in support of Charge 2, Mr. May stated in reply that he had always been opposed to the indiscriminate employment of the Police in visiting and regulating brothels, believing such not to have been the intention of the Legislative Council when passing the Ordinance. He thought such a course if allowed would have opened a floodgate for the inundation of the Police Department with corruption and extortion, greater even than that lately discovered in the case of the gambling houses. But he stated that the Police always interfered whenever ordered to do so by the Superintendent, or an Inspector, or by the Registrar General. There was a standing order that the Police were to give their services to the Registrar General whenever he required them, and he asserted that he had always given the most zealous assistance in carrying out the Ordinance as far as he was empowered to do so; and that he had only refrained from interfering himself, or allowing the Police to interfere, in a manner which would in his opinion have been not only injudicious, but illegal.

Charge 3 was then proceeded with:—

“With having by misrepresentations induced the Acting Chief Magistrate, who had sentenced a prisoner charged with receiving Goods in pawn without a licence, to reverse his judgment and discharge the prisoner, there being conclusive evidence of his guilt.”

Mr. Caldwell in support of this Charge wished the following depositions in a case before the Acting Chief Magistrate in the year 1859 to be placed on the Minutes:—

*Commenced 7th July.
Committed to Petty Sessions, 11th
Remanded to Warrant No.
Concluded 11th July.*



*C. M. Court, No. 1,642.
Warrant, No. 578.
P. Sessions, No. 912.
Warrant, No. 130.*

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

*Defendant's recognizance entered into on 8th July instant. Sureties Koo-yoke-wah,
master Kwong-cheong shop; Kwok-akam, master Soey-sing shop.*

**Minutes of Proceedings in the Cause in which WONG-SAM-CHI, P.C. is Plaintiff; and
LAI-A-CHEONG, 43, of Tongkoon, Silversmith, Defendant.**

That the Defendant not being the holder of a pawn-broker's license, did at Victoria act as a money-lender in a single transaction of less amount than 500 dollars, and to wit: on 5th July instant, did unlawfully lend \$1½ upon deposit of one gold pin.

MEMORANDUM.

DATE.	SPECIFICATION.	AMOUNT.	DOLLARS. In Bank Notes.	DOLLARS. In Silver.	RUPEES.	CASH.	STERLING.
-------	----------------	---------	-------------------------------	------------------------	---------	-------	-----------

Thursday, 7th July, 1859.

Wong-sam-chi, being duly warned, deposeth:—I am a Chinese Constable. On the 5th July instant, I went to defendant's shop, the Tin-sing, Silversmith, Queen's Road West. I took a gold pin to defendant and asked him to lend me 1½ dollar upon it. The defendant gave me that amount, and said that he would charge 4 candareens *per dollar interest* per month, which would be altogether 6 candareens per month. I did not know defendant before. The pin produced is that which I pledged.

G. Shepherd, sworn, deposeth:—I apprehended defendant on warrant. I found in a *drawer of defendant's counter* the pin identified by last witness, also three other packets of gold ornaments.

DEFENCE.—Defendant states: the complainant came to me and said that he wanted to sell the pin. I told him that the night was dark, and I could not tell the value, and he had better come in the morning. He said that he wanted money badly, and I agreed to lend him \$1½ until the next day.

Committed for trial at the Petty Sessions on Monday next, to be admitted to bail, two Householders at \$200 each.

C. MAY, J.P.

PETTY SESSIONS.

Monday, July 11th, 1859.

*Mr. Parsons for defendant. Wong-sam-chi examined, after being duly cautioned.
G. Shepherd, Inspector of Police, examined on oath.*

Mr. Parsons, for defence calls,—

See-achu, I am one of defendant's journeymen. I was in the shop on the night the stranger brought in the pin. He said he wanted to sell it. My master said he could not tell the value as the night was dark. He then said he wanted money, and asked my master to let him have \$1½ upon it, until morning, when he would come to settle, which my master did.

Soo-achoy, workman in the next door Silversmith's shop, examined, states:—Our shop does no business in the secret pawn-broking line. I happened to be in the Ting-sing, Silversmith's shop, on the night in question. Corroborates the last witness exactly.

Defendant is fined \$200, default 6 months' imprisonment with hard labour.

W. H. MITCHELL.

Having further investigated this case, with Mr. May's assistance and advice, under provisions of Section XI of Ordinance 5 of 1850, I reverse the previous decision made upon it, and order that defendant be discharged.

W. H. MITCHELL.

Mr. Caldwell stated he relied on these depositions alone to show that Mr. May had wilfully made false representations to the Acting Chief Magistrate to induce him to reverse his decision. He had no proof that the first decision of the case by the Magistrate was correct; and he did not know the nature even of the representation made by Mr. May to the Magistrate.

Mr. May in reply to this Charge explained that he took evidence in this and two other cases of illegal pawning, and sent them to the Petty Sessions. The evidence in the two cases was clear and conclusive. In the third, No. 912, it was very doubtful. There was only one witness—a Chinese—who was the informant; and there was no proof of general pawning. Mr. Mitchell, the Acting Chief Magistrate, decided against the defendants in all three cases; but subsequently spoke to him (Mr. May) who mentioned his doubts, and Mr. Mitchell on reconsideration said he thought he (Mr. May) was right, and that he would reverse his former decision, which he then did accordingly. He, Mr. May, had known nothing whatever of this case, except what he had gathered from the evidence given in Court, and no representations had been made to him by any person whatever out of doors on the subject, or his interference ever solicited by any one.

The Depositions in the other two Cases were produced and found to be as stated by Mr. May.

Wo-hang.

Wo-hang, the keeper of a Chinese Opium shop, was called and examined by Mr. Caldwell in reference to some conversation which Mr. Caldwell said had passed between them in reference to this case; but Wo-hang said he had no recollection of anything of the kind.

The 4th Charge brought by Mr. Caldwell against Mr. May was:—

“With having on the 13th day of August, 1858, when examined as a witness at the Police Court in the case of Regina v. Tarrant, when asked if I possessed a knowledge of the Chinese written character, and whether I had ever translated any Chinese document for him, answered both questions in the negative, whereas he well knew, at the time, that I did possess a knowledge of the Chinese written character, and that I had frequently translated Chinese documents for him at his personal request.”

Mr. Caldwell said that he had himself heard Mr. May make the statement contained in the Charge, and in proof that Mr. May knew it to be false, he said that when they were together at the Central Station he had often read Chinese documents for Mr. May.

Mr. May in reply called attention to the evidence given on the same occasion in the Police Court by two witnesses (Ying-loong-tun, a Chinese teacher, and Shum-cheek-yeen, a writer and teacher in the Chinese Secretary's Office) at pages 307 and 310 of the Blue Book, that Mr. Caldwell could only speak but not read Chinese. Mr. May stated he had never said that Mr. Caldwell had no knowledge of the Chinese written language, but he had said, and he now repeated, that Mr. Caldwell, to the best of his belief, did not possess such knowledge of the language as would enable him to make a full and authentic translation of any document. It was, however, unnecessary for him to say more in reply to this Charge than that it formed the subject of an official complaint at the time by Mr. Caldwell. He had replied officially to Mr. Caldwell's letter, and had heard no more on the subject. Both documents would no doubt be found in the Secretariat. He begged a reference to them.

The following correspondence was then read:—

VICTORIA, HONGKONG, 18th August, 1858.

SIR,—It is with much regret that I am again compelled to intrude myself upon the notice of His Excellency the Governor, but the circumstance which induces me to do so is of so grave a nature that I trust I may not be considered tedious.

On Friday last, the 13th instant, during the investigation at the Police Court in the case of Libel brought against Mr. W. Tarrant, Mr. May was called as a witness; during his cross examination by the defendant, he was asked if to his knowledge I knew anything of the Chinese written language, and also whether I had ever translated any Chinese documents for him,—to both these questions Mr. May gave a negative reply. In consequence of Mr. May's replies Mr. Tarrant spoke in very strong language against me, calling me an Impostor. I will not however repeat all he said on the occasion, but the replies of Mr. May being so palpably untrue I have not the slightest hesitation in charging him with wilful and deliberate intention to injure me, by giving evidence which he must have known to be false, and I bring this matter to the notice of His Excellency because I conceive it to be one which I should be blameable in not representing. I could produce abundance of proof to show that Mr. May is perfectly aware that I have a knowledge of the Chinese

written language, because during the many years I was attached to the Police Department with him, I was invariably the referee by Mr. May and the subordinate officers of the Force for a translation of Chinese documents coming into their hands.

I beg to remark that during the whole of the investigation, and after I had given my evidence, I was not permitted by the Magistrate to remain in Court, Mr. Tarrant having requested that I should not; but I overheard the questions and answers above mentioned.

I have, &c.,

(Signed) D. R. CALDWELL.

The Honorable The ACTING COLONIAL SECRETARY.

Submitted.—18/8/58.—W. T. B.

I do not suppose Mr. May's critical appreciation of Mr. Caldwell's Chinese acquirements goes for much, and if no worse word than "Impostor" was used by Mr. Tarrant, Mr. Caldwell comes off better than most of us. Mr. Caldwell will have opportunities for self defence, and the depositions will be examined in good time."—J. B.—18/8/58.

No. 59.

OFFICE OF SUPERINTENDENT OF POLICE, VICTORIA,
HONGKONG, 2nd September, 1858.

SIR,—Having been favored by you by placing in my hands for perusal, with permission to report thereon, a letter from Mr. Caldwell referring to evidence given by me at Police Court touching the matter of a Criminal Information against the Editor of the *Friend of China* newspaper for libel; in which evidence, in answer to queries put to me by Defendant, Mr. Caldwell complains that I stated that, in my opinion, he—Mr. Caldwell had not sufficient ability to translate a Chinese document; and that, when Mr. Caldwell was subordinate to me in the Police Department, that I never employed his services to translate Chinese documents,—which answers, Mr. Caldwell states, are untrue, and that *I knew they were untrue*.

I gladly avail myself of the permission given to report on the said letter, and request that you will, if you consider necessary, be pleased to take opportunity to submit my report to His Excellency the Governor. I do not precisely recollect what answers I gave, but my belief is that Mr. Caldwell's version is substantially correct, because such, at the time of my giving evidence, was my impression, and that impression would still maintain in its full integrity, had I not, by the perusal of Mr. Caldwell's letter, ascertained that that Gentleman considers himself qualified to translate, and although such opinion is doubtless correct, yet no one instance has come to my knowledge in which Mr. Caldwell has really translated a Chinese document.

It is three or four years since that our relative positions placed it within my observation what were the qualifications of Mr. Caldwell in this respect, and it was then a frequent subject of expressed regret by Mr. Caldwell, (as he considered that it impeded his advancement in Her Majesty's Service) that he had but a limited knowledge of the written character.

I was examined on oath and my evidence is consequently a matter of conscientious *belief* in its truth. It does not however necessarily follow that my evidence was the truth, and Mr. Caldwell has the power of requesting to be re-examined and to state on oath any matters of fact which he knows to be other than that which I supposed it to be; as I never heard Mr. Caldwell make any pretensions beyond a limited knowledge, and in fact have frequently seen him practically disavow the ability to translate, by making reference as to documents in Chinese to Chinese Teachers and Clerks, I could never have placed any document in his hands with other intent than that he should get it translated by some person who was competent, and most certainly never with the thought that he translated it himself.

Mr. Caldwell was, as he states, out of Court (as were all witnesses) and portions of his letter are consequently somewhat incorrect, especially as to the asserted deduction made by the Defendant from my evidence.

I earnestly regret that there is this occurrence again to give His Excellency trouble in matters personal to myself and Mr. Caldwell, and as earnestly hope (as it is my intent to avoid cause) that this may be the last instance of the kind.

I have, &c.,

(Signed) C. MAY,
Superintendent of Police.

The Honorable FRED. FORTH, Esq.,
Provisional Colonial Secretary.

MEMORANDUM.

Submitted: amongst several Papers handed over to me by Dr. Bridges as "*undisposed of*" was a letter of Mr. Caldwell complaining of some evidence given by Mr. May at the Police Office, on the 13th ultimo, (Mr. Caldwell's complaint is dated the 18th.)

Mr. May having called at my Office I seized the opportunity of conveying to him my serious regret at what had taken place at the Police Office a few days before. Mr. May expressed his surprise, and was not aware, he said, of any complaint having been preferred against him on the subject alluded to: I then allowed him to peruse Mr. Caldwell's letter—he assured me he had never seen or heard of it before and requested leave to be allowed to submit a reply for His Excellency's consideration, which I now do.

I pointed out to Mr. May how *pested* His Excellency had been by the repeated misunderstandings of several public officers, and I informed Mr. May of my determination to put a stop to such a scandal by

every means in my power: I also assured Mr. May I should endeavour to protect him from any interference with his Department, which determination would so long as I remained in office, I trusted remove all subject for complaint on his part,—as whatever I should communicate to him would emanate from His Excellency, whose mouth-piece I should consider myself without assuming any authority beyond that sanctioned by the head of the Government.

His Excellency will be gratified to receive in the enclosure Mr. May's assurance and hope that this may be the last instance of any disagreement with Mr. Caldwell.

(Signed) **FRED. FORTH,**
Provisional Colonial Secretary.

3rd September, 1858.

Mr. Caldwell stated he had no further evidence to bring forward or any more Charges to make against Mr. May.

Mr. May then called on Mr. Caldwell to explain to whom he meant to allude in the following passage in his "Vindication":—

Mr. Anstey himself admits in his letter to the Secretary of State that bribes had more than once been offered to himself, and there are some wealthy officers still in the police who are not strangers to the latter practice.—*Mr. Caldwell's Vindication, page 22.*

Mr. Caldwell said he did not in this passage refer to Mr. May. There were in the Police other persons who might be described as wealthy.

Mr. May denied that there were other persons to whom the term wealthy would be understood to apply, and to himself it could only be applied comparatively; and he asserted that it was supposed by every one in the Colony that Mr. Caldwell meant to allude to him alone.

Mr. Caldwell again denied that he meant Mr. May, but declined to state whom he did mean.

His Excellency called Mr. May's attention to the following passage in the "Vindication," which accused him of owning Brothels:—

But it was notorious, and the fact is not denied by Mr. May, that he was himself, previous to the passing of the Ordinance, the owner of several houses in the Colony which, to his knowledge, were used as Brothels.—*Mr. Caldwell's Vindication, page 23.*

Mr. Caldwell said this statement was repeated by Sir John Bowring in his published Despatch to the Secretary of State, dated 9th August, 1858, and printed in the Blue Book. Sir John Bowring said:—

With one or two exceptions I have been generally satisfied with Mr. May's services until within a very recent period. One of these exceptions was his ownership of a very notorious nest of Brothels very near the Police Station, and which he very unwillingly got rid of after considerable pressure from the Government.—*Blue Book, page 42.*

Mr. May stated that this matter had been the subject of official correspondence and inquiry, to which he begged to refer. It would there be seen that he and another Officer of the Government had bought a number of houses from another Government Official, some of which had before been used as Brothels, and immediately after obtaining possession they gave notice to the tenants to quit. There was great difficulty in getting tenants out at that time, owing to the influx of a vast number of persons, who had been compelled to leave Canton in consequence of the troubles there. He had, however, by considerable exertion succeeded in removing all these objectionable tenants within four months from the date of the purchase, and he reported that fact to the Government.

The following correspondence above referred to by Mr. May was then read:—

No. 398.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 18th July, 1855.

SIR,—The attention of the Governor has been called from so many quarters to statements seriously affecting the position and duties of the Chief of the Police that His Excellency feels it incumbent on him to request you to answer the following inquiries:—

Is it true that certain disorderly houses—having the common notoriety of *Brothels* have been purchased by you, and are at this time your property—the rents being paid to yourself?

Is it true that on your taking possession notice was given to the Tenants to quit, but that on these consenting to pay a higher rent they have been allowed to continue in occupation?

I have, &c.,

(Signed) W. T. MERCER,
Colonial Secretary.

CHARLES MAY, Esq.,
Superintendent of Police.

No. 26.

POLICE DEPARTMENT, HONGKONG,
19th July, 1855.

SIR,—I have the honor to acknowledge receipt of your letter No. 398, dated 18th instant, to the effect that the Governor's attention having been called to statements seriously affecting the position and duties of the Chief of the Police His Excellency deemed it incumbent upon him to request answer to the following queries:—

“Is it true that certain disorderly houses—having the common notoriety of *Brothels* have been purchased by you and are at this time your property, the rents being paid to yourself?”

“Is it true that on your taking possession notice was given to the tenants to quit, but on these consenting to pay a higher rent they have been allowed to continue in occupation?”

In answer to the first query, I beg to state that on the 13th May last I and Mr. Masson (temporarily attached to Supreme Court) jointly purchased from Mr. Trotter (the Chief Justice's late clerk) Inland lots Nos. 1 and 129, having twenty-four houses erected thereon; the property was transferred to us on the 8th of June ultimo, (see memorial of transfer in land office). It was known to the purchasers that for the preceding five years several of the houses situated on Lyndhurst Terrace had been occupied as brothels, and it was determined and expressed openly that our intention was to eject such tenants, in order to effect this the purchasers retained the property in their own hands—refusing to grant a lease of the entire property—and received the rents by the hands of a collector.

In answer to the second query I respectfully state, that in order to obtain a knowledge of the class of persons tenantry the property, I and Mr. Masson (with an interpreter) visited all the houses, and from appearances and enquiries were led to give warning to quit to the occupants of six, representing distinctly to them that as Government Officers we did not consider it seemly to own houses occupied as brothels. In order, as we conceived, to compel a removal by the 13th instant, written notices in Chinese were served, calling upon those tenants to vacate their houses or pay an increased rental of nearly fifty per cent. We were deceived in our arrangements as, owing to the circumstances that no houses were—or are—to be let, the inmates positively refused to remove, promising in two or three instances that they would go immediately they found a vacant house, and in other cases that their houses were no longer brothels. On the 14th instant a verbal warning was given by the rent collector that if they persisted in remaining other steps would be taken to enforce their removal.

I declare, on my honor, that it is the intention of Mr. Masson and myself to remove as speedily as possible this obnoxious class of tenant from our property.

I desire to point out to His Excellency the Governor that the mode of ejecting the tenants by increasing the rent was the most direct and feasible plan, as no summary power exists that we could avail of to enforce removal. Clause 5, Section 3, Ordinance 14 of 1845, directs that no house shall be kept for the resort of prostitutes to the annoyance of a near resident; no such complainant can be found, as although many talk loudly of such nuisances, none will come forward to aid in their suppression. This has been the difficulty with regard to the property in question for the past five years, and it will be perceived on reference to a paper submitted by me a few months back, making suggestions on the framing of a new Police Ordinance, that I have asked for additional power to be given to Superintendent of Police to enforce removal of brothels.

As a proof of my feeling on the subject, I crave liberty to refer to the fact, that I have owned Chinese houses the previous seven years and have never permitted one of them to be occupied as a brothel, as although leasing the houses I inserted a clause in the lease which enables me to guard against such intrusion.

In conclusion I have to express my thanks to His Excellency for so promptly giving me opportunity to make known to him the circumstances of the case which I trust will effectually remove from his mind all impressions injurious to my interests.

I have, &c.,

(Signed) C. MAY,
Superintendent of Police.

The Honorable W. T. MERCER, Esq.,
&c., &c., &c.

No. 402.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 19th July, 1855.

SIR,—I have laid before His Excellency the Governor your letter of this day's date.

The frankness with which you have replied to the questions submitted to you is satisfactory to His Excellency.

It appears from your letter that with the full knowledge of the difficulty of ejecting Tenants from the occupation of disorderly houses,—(which you properly made the subject of representation to the Government "a few months back")—you purchased in conjunction with another public officer six notorious brothels,—and that you and Mr. Masson are now the registered owners of the same,—and that you are at this moment receiving an augmentation of nearly fifty per cent upon the rental paid previously to your obtaining possession.

It is obvious that such a state of things must be attended with public scandal and cannot be allowed to continue.

I have, &c.,

(Signed) W. T. MERCER,
Colonial Secretary.

CHARLES MAY, Esq.

POLICE DEPARTMENT, HONGKONG,
14th September, 1855.

SIR,—Having yesterday afternoon received intimation from you that His Excellency the Governor desired to have farther information on the subject of certain disreputable houses situated on Lyndhurst Terrace, which formed the subject of your letters to me No. 401,* dated 18th July, and No. 402, dated 19th July—

I have the honor to acquaint you for His Excellency's knowledge that impelled by His Excellency's views no less than by my own desire on the matter I have effectually removed all the objectionable tenants alluded to and taken measures to prevent a re-occupation of the houses in the same manner. My letter to you dated 19th July expressed that when the property was purchased, four months since, the owners clearly made known to every person that their intention was to clear out the bad class of person who had for so long a period inhabited the houses; I now respectfully iterate that statement, and in addition beg to express to you that although I was aware there would be some difficulty met with, I was certain that in a short time I could carry out the intention—it was partially this object which induced the owners to retain in their own hands the direct control of the property, being assured that in the hands of any other it would maintain its old character.

I have, &c.,

(Signed) C. MAY,
Superintendent of Police.

The Honorable W. T. MERCER, Esq.,
Colonial Secretary.

FINDING IN MR. MAY'S CASE.

The room being cleared the Council deliberated—

The Council unanimously agreed that Mr. Caldwell had not only failed to substantiate any one of his charges, but that he had no grounds whatever to justify him in bringing these charges against Mr. May.

The Council were further of opinion that the explanations voluntarily offered by Mr. May in reference to these charges were satisfactory.

As regards the allegations and insinuations against Mr. May contained in the printed pamphlet published by Mr. Caldwell and called "a Vindication," the Council were of opinion (1) that the allusion at page 22, already referred to, as to wealthy Officers in the Police taking bribes, was calculated to lead to the supposition that Mr. May was pointed at, and that there was no justification for such an insinuation, and the Council had listened with surprise to Mr. Caldwell's asseverations that in the words used he had no intention of alluding to Mr. May; (2) that the statement at page 23, of Mr. May being a notorious owner of Brothels, ought in justice to have been accompanied by the mention of the fact, that from the date of Mr. May becoming the purchaser of the property in question he had taken the most active measures to dispossess these tenants, and succeeded in doing

* In error, should be No. 398.

so within four months; (3) that the account given at pages 24 and 25 as to the escape of the women from Attai's brothel into Mr. May's house was false, and was known by Mr. Caldwell to be false when published by him in his "Vindication." As regards this misstatement the Council found that Mr. Caldwell had (in the words of the Chief Magistrate) "sworn before the Justices to a fact which the slightest care would have shown him not only did not take place, but which could not possibly have taken place;" that such statement was most prejudicial to the character of a brother officer (Mr. May) with whom he (Mr. Caldwell) was on unfriendly terms; that when shown his error he neither corrected his evidence, nor offered any apology to the brother officer whom he had unjustly traduced; and that he subsequently repeated the misstatement, before the Caldwell Commission of Inquiry, and again in his "Vindication," on both occasions knowing, as he now admitted, that it was incorrect.

With reference to the general question as to Mr. May's conduct in the matter of the Caldwell and Anstey charge, and the propriety of retaining him in the Government employment (subjects referred to His Excellency the Governor for enquiry and report in the Secretary of State's Confidential Despatches of the 11th January, and 27th July, 1860)—the Council found that Mr. May's conduct in the case referred to, had already been made the subject of a very full and searching official investigation before the Executive Council in the year 1858, the result of which was communicated to the Secretary of State in Sir John Bowring's Despatch No. 144 of 1st November 1858.

This Despatch with all the papers connected with the enquiry in 1858 (printed in the Blue Book laid before Parliament, see pages 243 to 260) having been carefully considered by the Executive Council, as also a letter from Mr. Davies,* the late Chief Magistrate, attached to the Minutes of this day's proceedings, and no new facts as to Mr. May's conduct in the Caldwell and Anstey case and the matter of Mah-chow Wong's Books, having been elicited during the course of the present Investigation,—the Council concurred in the conclusion arrived at by the Executive Council on the 25th October 1858,—that Mr. May greatly erred in furnishing information of an important character to a local newspaper instead of submitting such information to the Government; but the Council considered that the censure then passed was a sufficient punishment for the offence, the more especially as Mr. May, when such censure was conveyed to him, "admitted the perfect justice and propriety" thereof, and "expressed his deep regret that his conduct had brought him under its weight."

As regards the further opinion expressed by the Executive Council in the Resolution of the 25 October 1858, that Mr. May "had been actuated by an unfriendly animus in the part he took in the Caldwell Commission Inquiry," it appeared to the Council that Mr. Caldwell and Mr. May were on good terms until the year 1857, when bad feeling arose between them, in consequence of the part taken by each with regard to Mah-chow Wong, who was in that year sentenced to transportation for 15 years for confederating with Pirates, and who was at the present time a Convict in Labuan. Mr. May, being firmly convinced of Mah-chow Wong's guilt, zealously and successfully exerted himself to bring him to justice. Mr. Caldwell, on the other hand, (who had been for years the steady supporter of Mah-chow Wong) expressed himself satisfied of his innocence, and exerted himself with equal zeal in his behalf, both before and after his conviction. He denounced Mr. May's exertions in the opposite direction as persecution of an innocent man, and resented them as personal to himself, attributing them to jealousy on Mr. May's part at his (Mr. Caldwell's) having been repeatedly able to obtain, through Mah-chow Wong, information for the Government which Mr. May had failed to procure.

To this disagreement could be traced all the incrimination and recrimination which subsequently took place between these two Officials, and which, pursued as it was with considerable acrimony, resulted in their private affairs being on several occasions unnecessarily and improperly dragged before the public. Under these circumstances it appeared to the Council unnecessary to enter into any investigation as to the extent of the "unfriendly animus" with which any one of these subsequent proceedings was conducted, but they considered it fair to Mr. May to record that Mr. Caldwell appears to have been the assailant in the first instance, and to have commenced by a most unjustifiable attack

* Vide Page 88.

upon Mr. May in the matter of Attai's Brothel. As regards also the original cause of quarrel, the Council considered that Mr. May's view of the character of Mah-chow Wong was the correct one, and that he (Mr. May) rendered very valuable services to the Colony in prosecuting to conviction—notwithstanding the powerful opposition he had to contend against—that notorious offender who had for so many years, by the unscrupulous exercise of the means at his disposal, contrived to escape the punishment due to his crimes.

The Council entirely concurred in the view expressed by the Executive Council in the 2nd Resolution of the Minutes of the 25th October, 1858, already referred to, as to the great value of Mr. May's long and meritorious public services, and expressed their unanimous opinion, that his removal from Government employment would be a great loss to the Colony.

* *Letter from Mr. Davies above referred to.*

STEAMER *Imperatriz*, HONGKONG HARBOUR,
MONDAY, 12th November, 1860.

SIR,—I have the honor to request you to lay this letter before the Executive Council.

Had my health permitted me to offer myself to the Council for examination in reference to the Civil Service Inquiry in which they are now engaged, I should have done so; but I am quite unable to leave this ship, which sails for England to-morrow.

I learn however from Mr. May that some of the ancillary subjects of the Inquiry involve either directly or by implication charges against him, firstly, of acting in a hostile spirit (I presume maliciously) towards Mr. Caldwell, and secondly, of withholding from government valuable information touching Mah-chow Wong's guilt, which he nevertheless furnished to the newspapers.

I trust therefore that I may not be considered presumptuous or impertinent, if, in compliance with Mr. May's request, I offer to the Council this my written testimony on the above charges.

I was Chief Magistrate of the Colony for two years and seven months; I was a member of the Caldwell Inquiry Commission, and I was the committing Magistrate in the case on which Mah-chow Wong was tried and convicted. I have had therefore the fullest opportunities of becoming acquainted with Mr. May's character generally, and especially in reference to the proceedings against Mr. Caldwell and Mah-chow Wong.

My opinion of Mr. May's character and conduct is fortunately on official record in the printed Minutes of evidence of the Caldwell Inquiry Commission (last paragraph of page 87 and first paragraph of page 88), and in a letter written by me as Chief Magistrate (No. 42 of the 11th October, 1858) to the Colonial Secretary; and as regards the latter I may mention that it was written without the solicitation, suggestion, or knowledge of Mr. May.

It will be sufficient for me now I hope to state, that I most strongly and confidently re-enunciate the opinions expressed in the documents referred to. Recent experience has only strengthened my belief in their correctness. Mr. May has doubtless in word and deed often shewn strong disapproval of the acts of which he supposed Mr. Caldwell to be guilty—and no honest man, in his position in relation to Mr. Caldwell, so believing, could have done otherwise; but he never, to my knowledge, exhibited malice or vindictiveness.

With every feeling of respect for the Council,

I have, &c.,

(Signed) H. TUDOR DAVIES.

To the CLERK OF COUNCILS,
&c., &c., &c.,
Hongkong.

The Council adjourned *sine die*.

MR. CALDWELL'S DEFENCE.

Before proceeding to reply to the charges brought against me in the Executive Council, I ask to have placed upon its minutes a statement of the reasons which induced me to decline to proceed with my defence or to call further evidence in rebuttal of the statements made by Mr. May and Shum Ahing, the only witnesses produced by my accuser, Mr. Murrow, in support of his averments. I request, as an act of justice to a public officer, who cannot disabuse his mind of the impression that he is before a tribunal, which, previous to hearing him, has been induced to entertain an impression adverse to him, that this statement, which I deem material to my defence, may form part of the recorded proceedings of this Inquiry.

It is abundantly clear from the minutes of the Council that such of Mr. Murrow's charges as are worth anything at all, notwithstanding the care and ingenuity with which they are got up, have been mainly supported by the testimony of a convicted coolie broker and manstealer now undergoing his sentence of four years' imprisonment with hard labour in the common Gaol of Hongkong. This man has almost in every instance in which he has appeared before the Council, stood convicted of falsehood, either by his own contradictory statements, or by the evidence of honest and respectable witnesses with whom he has been confronted,—a man whom Mr. Murrow himself has publicly declared was put forward by him against me as a tentative measure; whom he has more than once declared to be unworthy of belief, and who has been induced to invent a series of accusations against me under a hope, if not an actual assurance, of pardon, should his invention prove successful.

Mr. Murrow obtained permission from the Honorable the Colonial Secretary to visit this Convict (Shum Ahing) in Gaol, and Shum Ahing appears to have told Mr. Murrow that there was *another* Convict in the same Gaol with himself, who could give evidence upon what Mr. Murrow chooses to designate the "Wong Achaong fraud," and being prevented by the Governor of the Gaol from seeing this Convict, Mr. Murrow applied to the Council to be permitted to go to this man, and to communicate with him upon the subject of this Inquiry, before producing him for examination before the Council. I objected and protested in the strongest manner I was able, against Mr. Murrow being permitted to communicate with this second Convict with a view to his production against me. I respectfully pointed out to the Council that Mr. Murrow's conduct throughout this Inquiry ought to have sufficed to convince it that he was not a fit person to be entrusted with such a mission, and that I knew sufficient of Mr. Murrow myself to justify me in saying, that he would not hesitate to tamper with the man in order to help him to make out a case against me to procure my dismissal from the service, to accomplish which he had publicly pledged himself. I do not know what this second Convict may have had to say in the matter; but, when Mr. Murrow made his application, I requested the Council to send at once for the man and bring him direct from the Gaol to the Council Chamber in order that he might be examined in the presence of the Council, Mr. Murrow, and myself without previous communication with any one. As the man's name had been handed in to the Council by Mr. Murrow, and as he was in the custody of the Government, and could be produced at a moment's notice, and as the Council was then sitting, I had hoped that so reasonable a request would have been acceded to, so that no opportunity might be given to my opponent,—who is as unscrupulous as he is acute, who possesses a deadly hatred against me, who has pledged himself to the issue of this Inquiry,—to go and see this Convict and *prepare* him, as it were, for examination, previous to bringing him before the Council. I respectfully submitted that neither the presence of the Governor of the Gaol, nor that of Wong Ashing, the Interpreter, would be any check upon Mr. Murrow; for from the leading questions which Mr. Murrow might be in a position to put to the Convict, he would know at once what was required of him, and, actuated in like manner as his fellow prisoner Shum Ahing was, by a hope of pardon, he would be prepared to state it when brought before the Council.

Notwithstanding these reasonable objections the Council were pleased to allow Mr. Murrow's application for permission to communicate with this new Convict witness previous to his production against me.

I deemed this concession to my opponent the more grievous to myself because the Council had thought fit to censure me on a previous occasion for having communicated with some of my own witnesses, and questioned them upon the points upon which I intended to examine them previous to producing them before the Council, notwithstanding that they were honest and respectable people; and because also when at the commencement of this Inquiry, Mr. Murrow first named the Convict Shum Ahing as a witness against me, *his* request that the man be *at once* brought up from the Gaol and examined to prevent any tampering *on my part* with him, was immediately complied with, as was also his request that I should be sent out of the room whilst the man was giving his evidence against me.

If Mr. Murrow's witnesses were honest and respectable people I would not have asked the protection of the Council; but as he seeks to support his accusations by the, to say the least of it, questionable testimony of Convicts undergoing their sentences of imprisonment for very heinous crimes, with the tempting allurements of a pardon held out to them, I simply asked, as a matter of common fairness, that no previous communication with this new Convict witness should be accorded to Mr. Murrow previous to his being brought up for examination. This Convict, although, as I am informed, he has been in the Gaol with his fellow prisoner Shum Ahing for the last twelve months, and was himself convicted of Piracy in 1857, we now for the first time hear of. The Convict Shum Ahing himself must have been in daily communication with this man during the whole twelve months of his imprisonment. If, therefore, the man knew anything about the matters before the Council affecting myself, I respectfully submitted to the Council that it was a most suspicious circumstance that Shum Ahing did not name him before. The Council could not have forgotten that they required Shum Ahing to give the names of every person whom he knew could give evidence in this matter, and that he gave in several names accordingly. He has been at least six times before the Council on different days since the 22nd September last, and, from the license allowed him, he has been as communicative to the Council as my worst enemy could have wished, and yet he now almost at the eleventh hour, for the first time, gives the name of this fellow Convict as a person capable of giving evidence in support of Mr. Murrow's charges against me! He does not do this boldly and openly to the Council as he did with the names of the other persons he has mentioned, but he gives the information surreptitiously to Mr. Murrow himself—this new Convict witness, being, moreover, a man who has the character of being artful and cunning and an agitator and leader of mischief among the Convicts in Gaol, a fact of which the Council might have satisfied themselves had they interrogated the Governor of the Gaol respecting him. I begged the Council to observe, that I did not object to the examination of this second Convict witness—on the contrary, I requested that he might be brought up and examined at once; but I objected to the chance, nay almost certainty, of his being tampered with and prepared for examination by Mr. Murrow's visit, for which visit not the slightest necessity was shewn, although there were many grave objections against it.

As I am no longer in the service of the Government any appeal by me to the Secretary of State against this decision of the Honorable Council could not be entertained; I had therefore no other course open to me but to decline to call any further witnesses, or to give any further attendance before the Council after they had decided to accord such unusual latitude to a vindictive accuser, and refused to listen to the well founded objections I had urged against it.

Having thus stated my reasons for declining to appear again before the Council or to call any further witnesses in support of my defence, I will now proceed to make a few observations for the consideration of the Council on the charges brought against me and on the evidence offered in support of them.

From the tenor of the instructions of His Grace the Duke of Newcastle directing this Inquiry, I humbly submit to the Council that it is clear that it was the intention of His Grace, when he issued those instructions, that the investigation, into what is termed the Civil Service abuses of this Colony, should be confined to such matters of complaint only as had *not* previously been made the subject of investigation—as had not yet been redressed or as still existed within the Colony. I am justified in adopting this view from the terms of His Grace's instructions, which I am unable to refer to more parti-

cularly, for, though publicly read aloud at this Inquiry at the request and for the satisfaction of my accuser, Mr. Murrow, I have been denied access to them, when I required to refer to them for the purpose of my defence, on the ground of their confidential character.

The charges brought against me by Mr. Murrow—more than once altered in the course of the investigation—as far as they can be gathered from the minutes of the Council, appear to be as follow:—

1ST. CHARGE. With having had a long and intimate acquaintance with a notorious pirate called Mah-chow Wong beginning in 1847.

This charge has again been divided into the following seven branches:—

- II. That Mr. Caldwell repeatedly thrust himself between Mah-chow Wong and Justice.
- III. With having appeared on the bench when Mah-chow Wong was brought before the Magistrate in the Davies' Sugar Case and given Mah-chow Wong a good character.
- IV. With having procured or been instrumental in procuring bail for Mah-chow Wong after he was committed.
- V. With giving evidence in favor of Mah-chow Wong when he was tried before the Supreme Court.
- VI. With having gone to the Governor the day after Mah-chow Wong was convicted with the prisoner's Counsel to solicit a pardon or mitigation of sentence for Mah-chow Wong.
- VII. With having got up a Petition in favor of Mah-chow Wong to the Government and Executive Council which some of the Chinese signed *in terrorem*.
- VIII. With having reported, when directed to examine the papers found in Mah-chow Wong's shop, that they contained no evidence of guilt, and that such misrepresentation would, but for the merest chance, have procured the pardon of Mah-chow Wong.

2ND CHARGE. With having procured the restitution of the pirate's property after his conviction and having also obtained an order for the delivery of the books and papers from the Supreme Court in which the pirate was convicted.

3RD CHARGE. With having kept up a communication with the pirate whilst in Gaol, and with having since his departure to Labuan taken a direct interest in his business.

4TH CHARGE. (This charge has since been withdrawn.) With having during the past few months published a pamphlet, not only reasserting the innocence of the pirate but maligning every individual whether a member of the Government or otherwise, who had been at all instrumental in bringing the pirate to justice.

5TH CHARGE. With being in the habit of inducing British Men-of-war upon the sole information of Mah-chow Wong to destroy piratical squadrons, there being evidence to prove that the said pirate was actuated by peculiar motives of his own, and that the power he thus possessed of evoking the assistance of Men-of-war greatly added to, and strengthened his piratical influence.

I submit to the Council that the matters referred to in the whole of the above charges formed the subject of the previous Inquiry which was held in this Colony under a Warrant under the hand of the then Governor in 1858. In proof of this I would beg to refer the Council to the list of charges brought forward at that Inquiry—to the evidence adduced in support of them, and to the finding of the Commissioners appointed to investigate them. Indeed Mr. Murrow has made a most liberal use of the printed Report of the evidence taken at that Inquiry, and quoted numerous passages from its well-filed pages in support of every one of his present accusations; and I respectfully submit that in again permitting an Inquiry into these matters the intention of His Grace the Secretary of State for the Colonies has been departed from.

The injustice to myself of such a course of proceeding is clear. The proceedings under the former Commission were full and open. They extended over a course of 25 sittings occupying a period of seven weeks, during which no less than 69 witnesses were examined. The Attorney General of the Colony, Mr. Anstey, was the Prosecutor, and he was ably seconded by the Superintendent of Police, Mr. May, as his coadjutor and chief witness, and the Five Commissioners (all Justices of the Peace of the Colony) had the able assistance of the Senior Barrister of the Colony, Mr. Day, in conducting their proceedings. Their Report acquitted me of all the charges that were brought against me, and though it found fault, in some slight degree, with some of my acts, it did not consider them sufficient to justify my removal from the Commission of the Peace, much less to recommend my dismissal from the public service.

The justness and fairness of the intention of His Grace the Duke of Newcastle in limiting the present Inquiry to *new* matters of complaint, instead of, to use His Grace's own words, "stirring up the mud" which Mr. Anstey and Mr. May had so plentifully imported into the former Inquiry, is further exemplified in the fact, that there were persons present in the Colony at the time of the first Inquiry (some of whom were examined and some not) who are not now in the place, the benefit of whose testimony I am now deprived of.

It is not from any wish to avoid an inquiry into my public acts, nor from any apprehension as to its result, that I take this objection; but I complain against the infraction, in my case, of the well-established principle, that when a man has been once fully and fairly tried and acquitted, he ought not to be subjected to the ordeal of a second prosecution for the self same things. I complain against the hardship of expecting me to make a full and complete defence to charges arising out of events happening as far back as four, five, and six years ago, in which most of the actors have left the place, or have died, whose evidence would be most material and necessary to the elucidation of transactions, which, by the artful and disingenuous manner in which they have been handled, distorted, and interwoven with the acts of other persons by my accusers, have created in the minds of some of my judges impressions most unfavourable to myself, which they have scarcely taken the trouble to conceal during the course of the Inquiry, and which, I fear, I shall find it no easy matter to remove.

It was under the impression that the labors of the Council, under the Secretary of State's instructions, would be limited, as far as I was concerned, to such matters as had not already been under investigation, that I addressed the Council requesting that the Editors of the local Newspapers, who had been indulging in abuse against me, might be required to come before the Council and make their complaints and charges openly and fairly, and I would do my best to meet them.

Requesting, therefore, that my objections to Mr. Murrow's present charges being entertained at all, may be recorded on the proceedings, but submitting myself, at the same time, to the Council's decision thereon, I proceed with my observations upon those charges and upon the evidence.

It is impossible in the first place to deny to my accuser at the present Inquiry the merit of industry, ingenuity and pertinacity in the framing of his charges, and in the manner in which he has prosecuted them, whatever may be the motives, which have induced him to devote so large a share of his own time, and to occupy so considerable a portion of that of the Council, in bringing forward again matters of complaint, which had already received the fullest investigation, and been as fully disposed of. It is true that he has had in this instance, as Mr. Anstey had on the first occasion, the valuable aid of the bitterest enemy I have ever had the misfortune to possess during the whole course of my life—the man who I believe would not begrudge the sacrifice of a half of his great wealth to bring about my ruin. I mean Mr. May, the Superintendent of Police, and Acting Assistant Magistrate. Of the causes of Mr. May's hostility to me the Council do not require to be informed. The fact is so patent in his evidence given at the previous Inquiry on Mr. Anstey's charges. The same thing has been so fully detained in the published Vindication of my character against the calumnies by which it was assailed, principally at his instigation, and the fact has shewn itself so frequently in the course of the present proceedings before the Council, that any denial of it on the part of Mr. May would be as little believed as any further attempt of mine to prove it would be superfluous.

With regard to Mr. Murrow it was my misfortune in the year 1857, in the course of my public duty, to incur his displeasure under circumstances which I feel it incumbent upon me to relate, in order to disabuse the minds of the Council of any belief Mr. Murrow may have led them to entertain, in regard to the disinterestedness of his motives in coming forward as public prosecutor on the present occasion, and to account for the great assiduity and industry he has displayed during the whole twenty sittings of the Council, in which he has endeavoured by distortions of fact, wilful misconstruction of acts and occurrences, and the production of false evidence, to make out his labored charges against me.

It was about the year 1855 and earlier that the Coolie trade of China with the Havannah, in which large profits were realized by those engaged in it, began to excite the cupidity of some people in Hongkong. Kidnapping of unfortunate, unsuspecting Chinese was quite as common then as it is now, though not so much noised about, because not so extensively known; and barracoons had to be kept then, as now, to secure the persons of the victims who had been captured, to fill the pockets of those who made it their business to trade in human flesh. Going down towards West Point one morning in the month of February, 1857, I noticed on the door of a Chinese building, a paper containing in Chinese characters an intimation that the place was the "Ee-wo-koon"—meaning a public office, or establishment called the Ee-wo. This announcement, and the appearance of the place, exciting my suspicions, I determined to satisfy myself as to the nature of the establishment. I was informed by a person who appeared to be a watchman, that the place contained coolies. Telling him who I was, and that I wished to inspect the premises, I was conducted through the kitchens of two houses, which were perfectly dark, into the interior of the premises, the entrance to which was securely locked, a man on guard keeping watch. I ordered the door to be opened, and on going in, I found the place so dark that it was some little time before I could distinctly recognize the objects around me; when I did so, however, the scene that met my eyes was most revolting,—upwards of 200 unfortunate human beings were confined within a space so circumscribed that free movement and healthful respiration were almost impossible. The greater number of these unfortunate men complained to me that they had been inveigled away and brought there under promises of obtaining money, and other modes of deception, and that they were all detained against their will. The place was in the most disgusting state of filthiness, and the stench from human excrement and other foul causes was most offensive and sickening. In fact it was a barracoon of the true Macao stamp, only it was much worse than any Macao barracoon I had ever seen. I ascertained from the people in charge of the place that the owner and keeper of this barracoon was Mr. Murrow, that the coolies were his, and that they were about to be shipped off for their destination by a vessel in the harbor then being prepared for their reception. I was at this time on friendly terms with Mr. Murrow, but I knew also what a dangerous man he was to make an enemy of. I did not, however, flinch from my duty. I instantly brought the case to the notice of Dr. Bridges, the then Acting Colonial Secretary, who directed me to take measures for the immediate liberation of the unfortunate captives. Early the following morning I went to the spot accompanied by the Acting Colonial Secretary himself, the Acting Surveyor General, and fortunately for me now by Mr. May also. We found that the only means of ingress and egress was by the small door, through which I had gained admission the previous day, all the other doors and windows of the houses being barred and nailed up. The poor coolies, only too happy to obtain their freedom once more, were all liberated in order to accomplish which we were compelled to break open the front doors. Mr. Murrow was prosecuted criminally for false imprisonment, but from some defect of evidence he was fined only for the nuisance. I append to this paper extracts from the "China Mail" of the 5th March, and 2nd and 9th of April, 1857, giving a full description of the barracoon and of the proceedings taken against those concerned in it.

As a matter of course, Mr. Murrow's displeasure fell upon me for having thus dared to *thrust myself between* him and his unholy gains, and subjecting him to the public exposure and disgrace of bringing to light his participation in a business so nefarious, and of which he has since labored so hard, in the columns of his own newspaper, to shew his utter detestation. He has never since omitted an opportunity (with a malevolence and scurrility to be seen only in the columns of that abusive paper) of traducing me. He has himself owned the cause of his dislike to me in the following reply to a contemporary, who twitted him with owing all his animosity against me to the suppression by me of his barracoon: "Yes, we admit that this affair was the cause of our animosity to Mr. Caldwell, and we feel that we should be wanting in duty to our

“country if we ever ceased to do our little almost to displace such a man from the “Queen’s Service.”

It will be little to marvel at therefore, that a man of Mr. Murrow’s well-known antecedents,—who is a thrice convicted libeller,—and who openly confesses his animosity to me, and the cause of it, should, in the course of this Inquiry, have stated things as true which he knew to be false;—should distort and convert harmless incidents into guilty acts, should be guilty of reticence and misrepresentations, and should put forward as witness a Convict undergoing his sentence for manstealing, as a tentative measure against me, in order to bring about the dismissal of a public servant, who, in doing his duty, had robbed him of his expected gains from a most inhuman and disgusting traffic.

The first charge brought forward by Mr. Murrow was the following:—

With having had a long and intimate acquaintance with a notorious pirate called Mah-chow Wong beginning in 1847.

This was one of the charges brought against me by Mr. Anstey,—it was inquired into and disposed of, by the Commission of Inquiry directed by Sir John Bowring in May 1858.

I admit the acquaintance, but I deny that it was of a culpable nature. I deny the implied friendship, and I deny also that Mah-chow Wong was a pirate in the ordinary acceptation of that term, much less a notorious pirate. No evidence has been produced before the Council to shew one single act of Piracy committed by Mah-chow Wong or any of his vessels whilst they were owned by him. The “statement of cases,” two in number referred to by Mr. Murrow (page 3 of the evidence) to prove the fact of Mah-chow Wong being a “notorious pirate,” contains no evidence whatever of the actual commission of Piracy at sea by Mah-chow Wong; they simply relate to the offence of confederating with pirates on shore, that is, purchasing or receiving, on shore, goods piratically stolen. Although Mah-chow Wong was found guilty on one of these cases, there was no evidence, in either of them, to shew that Mah-chow Wong had a guilty knowledge of the goods having been piratically stolen. The Judge’s notes taken at the trial do not contain any evidence of such guilty knowledge, though in finding him guilty, the Jury must have *inferred* that such knowledge existed. The evidence throughout, was of a weak character as against Mah-chow Wong, and purely circumstantial, whatever it may have been against other parties implicated. The Acting Attorney General has admitted as much. He says in his evidence before the Inquiry in 1858, page 61: “The evidence in it affecting Mah-chow Wong was purely circumstantial,” and as to the second case he says: “The evidence in the second case also was mainly circumstantial.” This was the opinion of the Acting Attorney General who prosecuted the case, and he also gives the opinion of another legal gentleman, Dr. Bridges, who had given his attention to the case. “Dr. Bridges said the verdict was clearly against evidence and that the Jury had no right to bring in a verdict of guilty on that evidence.” I feel justified in saying that had it not been for the denunciations of the newspapers against the man previous to his trial, whereby the minds of the community were prejudiced against him, Mah-chow Wong would not have been convicted. In all my intercourse with the man I had never had reason to believe that he was ever engaged in piratical transactions.

I knew him first in 1847 when I was Assistant Superintendent of Police, and in gratitude for some assistance he supposed I had rendered him, he gave me information of the commission of crime in the Colony, which enabled me to capture the parties and bring them to justice. In like manner, from his connection with the Fishing Junks, he often obtained and gave me information of the proceedings of Pirates at Sea—at that time so numerous and daring—which frequently led to their capture and destruction. In the interests of the public service, for the promotion of the public good, and for the encouragement of others to give information leading to the detection of crime (a matter of such difficulty in a population which never ceases to regard its foreign rulers with distrust) I felt it expedient and necessary to give the man all the encouragement I could, and all the protection I had it in my power to afford him; though my efforts in this respect were much thwarted by my superior Mr. May, who felt jealous of the reputation I had earned in the detection of crime and suppression of piracy, in a great measure by Mah-chow Wong’s assistance.

During the war between Great Britain and China in 1856 arising out of the seizure of the *Arrow*, Mah-chow Wong was extremely useful in imparting information of the

proceedings of the Mandarins against this Colony, and it was through his means, that a conspiracy was discovered in the Colony, instigated by the Mandarin of Sha-cheang (Chun-qui-chik) which had for its object, the capture of the Lieutenant Governor and myself, a reward of \$20,000 having been promised to the parties if they succeeded in bringing our heads. I mention these facts to shew the usefulness of the man, and why it was that I felt an interest in him, and it was on this account, as well as my own conviction of his innocence of the crime of which he was convicted, that I interested myself in endeavouring to procure his pardon, or a mitigation of his sentence. I do not feel conscious of having erred in having done so. I acted from conviction. Nothing has been adduced to shew that during the time I was in the service of the Government, I had any connection with the man beyond that which arose out of the circumstance of his great utility as an Informer against crime and criminals (officers of the Police not excepted) and the necessity and duty I felt in giving him protection and encouragement. After I left the service of Government and entered into trade, I chartered his Lorchas on one occasion, and employed him to charter others for me; I employed him also to superintend the erection of some small houses for me, and I lent him \$500 to enable him to lengthen one of his Lorchas, which he made over to me as security, and I obtained a Colonial Register for her in my own name. I have had other transactions with him of a pecuniary nature, entries of which will be found in Mr. May's Memoranda extracted from Mah-chow Wong's Books, which entries it will be as well for me to refer to at once, for the purpose of explanation, though I shall have occasion hereafter to analyze more fully that particular statement, the entries in which have been so much misconstrued and distorted for the purpose of shewing that Mah-chow Wong was a Pirate.

The entries in Mr. May's Memoranda in which my name occurs are the following:—

Entries in a rough memorandum book, 11th day, 4th month, 1855, one picul of Rice to Mr. Caldwell. [Worth about \$2½.]

26th day of 4th moon paid on account of Wong-kow-man of a Tor boat \$130 to Mr. Caldwell.

The person named Wong-kow-man here referred to chartered through me, the Peninsular and Oriental Company's steamer *Canton*, also the steamer *Sir Charles Forbes*, at an expense of \$6,000 and upwards, to accompany Her Majesty's ships in search of a fleet of pirate vessels which had captured his Junks. When he paid the charter money he was \$130 short, which I advanced for him, and I requested Mah-chow Wong, to whom the charterer was well known, to get back this sum from him for me, which he did, and the above is the entry of the transaction.

Received from Atchow \$10 steamer money. Entry 1 steamer \$17.

21st day 7th month received from Mr. Caldwell \$17.

The above sums of \$10 and \$17 were for freight due to the steamer *Eaglet*, at that time owned by me. These, with some other small sums due on the same account by Chinese, I requested Mah-chow Wong to collect for me, the parties being better known to him than they were to my agents. The last item should be *paid to* and not '*received from Mr. Caldwell*,' which is a mistake probably of the translator.

2—,—received by the hands of Mr. Caldwell \$120.

This was an advance paid by me to Mah-chow Wong for the charter of one of his Lorchas in 1855, at which time I chartered also seven other Lorchas to carry goods from this to Hoi-how. To each of these vessels I paid a like advance of \$120.

Expense book 1851-1852. Mr. Caldwell account money received from or for 11 different amounts, total 616 taels 4 mace 6½ candarins, only sums of money written.

As before stated, I employed Mah-chow Wong to superintend the building of some small houses for me, for which purpose I paid him money from time to time for the purchase of materials, payment of workmen, &c., and the above are the entries of those payments. The heading is entered by Mr. May as "Expense Book 1851-1852." I had no pecuniary transactions with Mah-chow Wong so far back as that. It was in 1855 that these houses were erected, and when Mah-chow Wong received money from me for the disbursements. The years given are therefore mistranslations, or the book from which the entries were taken, must have been an "Expense book" for other years as well as 1851-1852.

Due by Low Atuck to Mr. Caldwell \$160. 18th day 5th moon received by Akeé this \$160.

This was a sum overdrawn by one of the Lorchas I had chartered as stated above. Low Atuck, the person named in the entry, became security to me for its repayment. I authorized Mah-chow Wong to receive this sum from Low Atuck and apply it towards the building of the houses, he having about that time applied to me for further advances.

A letter from Cheong, the present Commandant at Cowloong, to Mr. Loong (Akee's clerk) relative to the seals and other things taken away by the Military when they visited Cowloong thanking Mr. Caldwell and Messrs. Loong and Wong Akee for the trouble they took in obtaining the things.

After my return to the Government service in 1856, I was directed by His Excellency the Governor to proceed personally to the Chinese Commandant at Cowloong and to restore to him, in the name of His Excellency, certain articles which had been taken and brought away from that place by our troops during their visit a short time previously. I was directed to take with me a force from the Police, and fearing that the Commandant (who had but a short time previous been brought away a prisoner to Hongkong) might suppose that we were coming to seize him again, I desired Mah-chow Wong, who was on friendly terms with the Mandarins, to write and inform him of the object of my visit. The letter above referred to was the Commandant's answer.

The last entry in Mr. May's Memoranda in which my name occurs is the following:—

A red paper of \$1,500 transactions between Foong Hok-shing, Wong Akee, and Mr. Caldwell.

This is Mr. May's description of the document, which was simply an agreement for the purchase by me from Foong Hok-shing of a Lot of Ground which he was desirous of selling. Foong Hok-shing was brought to me by Mah-chow Wong, and the purchase appearing to me to be a desirable one, I agreed to take it, and to pay \$1,500 of the purchase money in advance, and the balance on the completion of the transfer, and an agreement to this effect was drawn up, at my request, by Mah-chow Wong. Upon further inquiry, however, I found that it would be necessary for Foong Hok-shing to commence a law suit to eject the then tenant, and I did not deem it prudent to advance so large a sum as \$1,500 under the circumstances. I paid him only \$500 and a new agreement was accordingly executed. The red paper referred to in Mr. May's Memoranda was the agreement first made, or the draft of it, as the new agreement remained in my possession.

An attempt has been made to attach suspicion to the fact of such entries as the above bearing my name appearing in the books and among the papers of Mah-chow Wong. There is nothing on the face of them, loose as they are—made, though they be, by the hand of a man whose animosity and desire to injure me would have induced him to seize, with the utmost readiness, every little circumstance bearing the smallest suspicion, which he thought he could use to my prejudice. I say there is nothing on the face of them, even if unexplained, that could properly be construed to my prejudice; or which the above explanation ought not at once to remove. I would beg that it may also be borne in mind that the whole of these entries refer to transactions (with the exception of the letter to the Mandarin at Cowloong) which took place when I was a private individual, unconnected with Government, and therefore unaccountable to it for tradal transactions of what nature soever, or with whomsoever made.

As to my admitting Mah-chow Wong on terms of friendship, that is altogether an assumption for which there were no grounds, and of which no proof whatever has been adduced. During the many years of my intimacy with Mr. May, which ended when he threw off his mask of assumed friendship shortly after my appointment as Registrar General, an office *he* had long coveted. There was no more frequent or trusted visitor at my house than Mr. May himself. He came at all hours and at all times, unimpeded, uninvited, and always welcomed. No man, therefore, had better opportunities of seeing the relations upon which Mah-chow Wong stood with me than Mr. May himself; for, using the man as I always have done, as a most trustworthy and intelligent instrument of information, he was necessarily frequently at my house, and Mr. May has often seen him there and conversed with him there, and knew why he was there. I therefore give the evidence, given by Mr. May before the previous Inquiry in 1858, when the same point, introduced by Mr. Anstey, was the subject of investigation. It is true Mr. May makes the admission with evident reluctance, and limits his observations to "seven or eight times," though he might safely have trebled that number; and his admission must be viewed in the light of an adverse witness unwilling to give the truth and only doing so under fear of detection, if denied:—

I have seen Mah-chow Wong seven or eight times in Mr. Caldwell's house. I may instance on one occasion I saw him in a room used as an office in Mr. Caldwell's house in Gough Street. I went there early

in 1857 about a case then under inquiry in connection with the conspiracy to carry off Colonel Caine and Mr. Caldwell. Mah-chow Wong was then seated in Mr. Caldwell's office. I have never seen him there *in the position of a friend*. In the one case already mentioned he was there I believe on business connected with the prosecution, and on the other occasions he did *not* appear to be there as a friend.

Mr. May had the books and papers of Mah-chow Wong whole weeks in his possession—his own Interpreter Tong Akü was employed in searching them for evidence against Mah-chow Wong or myself. Every thing that Mr. May thought might possibly be construed to the prejudice of either Mah-chow Wong or myself was noted down, even to the most insignificant items—faithfully, or not, it is now unfortunately impossible to tell. If there had been any transactions of a disreputable nature between Mah-chow Wong and myself, surely some trace of them would have been found in his books or papers, and as surely would Mr. May and Tong Akü have seized upon them. Would they have overlooked them? Even Mr. May himself is forced to confess that he did not meet with a single criminating entry against myself. In his examination before the Commission of Inquiry in 1858, he stated that “there was no entry in his “Memoranda to the effect that certain moneys had been or were paid out of the proceeds “of plunder to or for or on account of Mr. Caldwell.” (Page 47 of the printed evidence.)

As to the statement made by Mr. May at page 14 of the minutes of the present Inquiry, that there were some papers in English in my handwriting found among Mah-chow Wong's papers, it is likely enough that such may have been the case. Mah-chow Wong had frequent disputes with the European masters of his Lorchas about wages. I was often referred to, to settle these differences, and upon such settlement have written out receipts for the balance of wages due to them.

The fact of some receipts bearing the words “Received from D. R. Caldwell,” and an order to Mr. Ross for spars, being also found among Mah-chow Wong's papers is easily explained. When I lent the \$500 to Mah-chow Wong to lengthen the *Kee-loong-poo-oan* I had the vessel registered in my own name to secure the repayment of the loan. The management of the vessel, however, remained with Mah-chow Wong, who kept the accounts of her freight and earnings and of her disbursements, and therefore such Bills as these would necessarily be in his possession.

The only Europeans who commanded the *Kee-loong-poo-oan* during the time I owned her were João Baptista Ferreira, Antonio Francisco Teixeira, Charles Johnson and William Bancroft. Beaver *never* commanded the *Kee-loong-poo-oan* either during my ownership (as the record of the registered masters at the Colonial Secretary's Office proves) or that of Mah-chow Wong. Beaver commanded the *Kum-hop-oan* only;—in which vessel Mah-chow Wong had a share with two other Chinese, and this was before Beaver had any connection with piracy, his first participation therein being about the month of July 1856 on the return voyage of that vessel from Singapore, or about seven months after Mah-chow Wong had sold his share in her to the other shareholders. It was during the month of January 1856 previous to the *Kum-hop-oan* proceeding to Singapore, that Mah-chow Wong ceased to have any further interest in that vessel. He sold and made over his share in her to the other two shareholders between the time of her return to Hongkong (in obedience to the letter headed “My dear Peapa” dated 4th January, 1856,—page 15 of the minutes—addressed by Mah-chow Wong to Beaver directing him to bring the vessel to Hongkong) and the time of her leaving this for Singapore. A regular Bill of Sale was drawn up in English by Mr. Stace, Solicitor, and executed by Mah-chow Wong previous to the departure of the *Kum-hop-oan* on her voyage to Singapore. She did not leave Singapore on her return voyage to Hongkong until the summer of that year, and it was on her voyage back to Hongkong that, according to Beaver's statement, she turned pirate and made several captures. The following is Beaver's report made to Mr. Grand-Pré, the Assistant Superintendent of Police, on the 7th August, 1856. It is extracted from the “Morning Report” Book at the Central Station.

“Henry Beaver reports that he was master of the Lorcha *Cum-hup-hone* and sailed “from this in December last” [This is an error as must be evident from the fact that the letter written to Beaver by Mah-chow Wong before he went to Singapore is dated 4th January, 1856, and the *Kum-hop-oan* did not leave till the end of January] “for “Singapore and returned on the 2nd of July last, and he was informed by the owner of “the Lorcha who was then on board that they were returning to Hongkong. During “the voyage they attacked and plundered six Junks of various cargoes and on the 6th “July the Lorcha went into *Sun-ling*, West Coast, with three prizes where they are at

“present at anchor, having been mostly deserted by their crew. The informant has been the whole time detained on board against his will and only succeeded in making his escape two days ago overland to Macao. He further states that there are several pirate Boats and Lorchas off Kulan. He is willing to accompany any expedition which may be sent out in search of the pirates in question. He further states that one of the owners of the Lorchas he commanded is in Hongkong, also one of the owners of the prize Junks.”

An expedition was sent—I accompanied it. We took with us Beaver and the owner—we found the Kum-hop-oan and destroyed her—so that she never returned to Hongkong. Mr. Murrow has endeavored to make it appear that the letter addressed by Mah-chow Wong to Beaver headed “My dear Peapa” as above, was written *after* the return of the Kum-hop-oan from Singapore, and that therefore Mah-chow Wong must have still owned the half of her when she turned pirate. Her return voyage from Singapore did not commence until the 2nd July, 1856, as Beaver has reported, whereas Mah-chow Wong’s letter to Beaver above referred to is dated 4th January, 1856, desiring him to bring the vessel back to Hongkong and it was when she was so brought back that Mah-chow Wong sold his interest in her. It was after this that she left on her voyage to Singapore.

Upon Mr. Grand-Pré sending in Beaver’s report to the Government the following reply was addressed to him by the Colonial Secretary:—

The accompanying letter you will have the goodness to deliver without delay to Captain the Honorable Keith Stewart, Senior Naval Officer, and give him such information as you may be able to collect with reference to the report of Henry Beaver, forwarded by you yesterday afternoon.

Beaver’s services, if an expedition be arranged, had better be accepted, and you will communicate with Mr. Caldwell before going to the *Nankin*.

The letter to the Senior Naval Officer enclosed in the above was from Sir John Bowring and was to the following purport:—

I have the honor to forward to you by the hands of the Acting Superintendent of Police a report of a piratical Lorchas at Sun-lin on the West Coast and of a suspicious looking fleet off Kulan.

I shall be glad if you can take measures for the capture of the fleet or at least of the Lorchas, as I have reason to think her sailing under papers from this Government.

This letter is dated the 8th August, 1856.

The following letter from Captain the Honorable Keith Stewart gives the result of this expedition as well as others in which he was engaged and in which I accompanied him: It will be seen from Captain Stewart’s report that we found the Kum-hop-oan and destroyed her.

HER MAJESTY’S SHIP *Nankin*, HONGKONG, 17th August, 1856.

SIR,—I have the honor to acquaint Your Excellency with my proceedings in Her Majesty’s Steam Vessel *Coromandel*, under Lieutenant Naves’ command, during three expeditions in search of pirates, all of which I am happy to say were successful; I had the *Nankin*’s boats in tow in the two latter expeditions.

On the 2nd Instant, when at anchor in Plover Cove in Mir’s Bay, I received information from some Fishermen, that two Piratical Junks had left that place the previous day, and were gone to Starling Cove, where I found and burnt them the next day, and then returned to Hongkong.

On the 8th, I received Your Excellency’s despatch, respecting a Pirate Lorchas at Sunling, and a suspicious-looking fleet off Culan and went to Sea that evening, but did not fall in with any suspicious-looking vessels off Culan. We however discovered the Lorchas about 25 miles up a river, inside the Island of Tongva. I must here mention, that on our way up this river, we heard guns firing, and that the Imperialists and Rebels were fighting in the immediate vicinity, and shortly after some 400 or 500 Chinese armed with spears and swords came down to the banks, and waved for us to go back. Fortunately Mr. Caldwell was with me in my gig, and he being able to interpret and explain my object in going up where no European boat had ever previously been seen, the Chinese offered no resistance. We went on, and found the Lorchas, which we burnt, together with a Junk in her possession full of Stinkpots. Having got back to the *Coromandel*, after a very fatiguing pull of 50 miles, I proceeded to the Westward to examine the piratical haunts about the Islands of St. John’s and Hawcheun, but finding nothing suspicious in that neighbourhood, I came back to Hongkong by the in-shore channels, and arrived at 9 P.M. on the 12th, when I found Your Excellency’s communication of that day respecting a Piratical fleet in Mir’s Bay, where I proceeded the next morning, in company with the Spanish Steamer-of-war *Reina de Castilla*, commanded by Captain Eugenio de Aguera, who readily offered his services on this occasion. In a secluded creek, a regular Pirate’s nest, Lieutenant Curme, in the *Nankin*’s Launch discovered five large Pirate Junks, mounting 25 Guns, and loaded, and laid to cover the entrance; one gun had four shot in. Providentially the pirates observing from the hills the Steamers approaching, had deserted their Junks, which contained a large quantity of Powder and Stinkpots.

We burnt four Junks; one I brought away. Captain Huskisson lost no time in landing with the Marines, and endeavoured to cut off some of the Pirates, who were retreating up the hills, but the excessive heat and fatigue were too much for his men, and the Pirates having had a long slant, he did not capture any; one was shot. While we were destroying the Junks in Pirate’s nest, Lieutenant Naves in *Coromandel*

found two Junks in a cove in Crooked Island,—one of them a Pirate, which he burnt: the other a trading Junk, which had been taken off Culan on the 6th instant.

I am much indebted to Captain Eugenio de Aguera, for the efficient service he rendered in his Bonts, and by towing the Nankin's Barge; and the presence of his Steam Vessel, adding so much to our force, no doubt deterred the pirates from attempting resistance.

In conclusion, I beg to draw Your Excellency's attention to the invaluable service of Mr. Caldwell as Interpreter on these expeditions. He accompanied me, and had he not been with me when the Chinese attempted to stop my proceeding up the river after the Lorch, serious results might have ensued.—I have, &c.

(Signed) KEITH STEWART,
Captain.

His Excellency

SIR JOHN BOWRING, LL.D.,
&c., &c., &c.

Mr. Murrow's 2nd Charge, or rather, as the Honorable the Colonial Secretary has informed me, the 2nd part of Charge 1 which appears to be divided into eight branches, although I was unable to understand this from the minutes, is: "That Mr. Caldwell repeatedly thrust himself between Ma-chow Wong and justice."

If the words "thrust himself between Ma-chow Wong and justice" mean, that I knowingly shielded him from justice for any crime or offence of which I knew or believed him to be guilty, I distinctly deny the charge.

To prove this part of his charge Mr. Murrow quotes from Mr. May's evidence given at the former Inquiry in 1858 pages 34, 35 and 39. In reply to this I may confidently ask if there is anything in these extracts to justify the charge that I repeatedly thrust myself between Mah-chow Wong and justice, or as my accuser probably means to shield him from justice? Mr. May's statement that I appeared in Court and "interfered in the prisoner's favor"—that he knew that my "presence in the Court on the previous inquiry before the Chief Magistrate had been prejudicial to the interests of justice"—must be taken *cum grano salis*, for he merely gives it as his opinion without giving any reasons for thinking so. Mr. May was not present during any part of the time Mah-chow Wong was first before the Chief Magistrate Mr. Davies. He could not therefore have "known" whether I interfered in the prisoner's favor or not, or that my presence "was prejudicial to the interests of justice" as he takes it upon himself to assert. On the occasion referred to by Mr. May I was present on the Bench during the examination by Mr. Davies, the Chief Magistrate. Mr. Inglis, then Governor of the Gaol, was likewise present, and made an assertion regarding the prisoner which I, knowing it to be untrue, contradicted. Mr. Inglis stated to Mr. Davies that Mah-chow Wong was a notorious scoundrel and had been convicted of receiving stolen goods. As I knew that Mah-chow Wong never had been convicted of receiving stolen goods, or of any crime whatsoever during the 10 years I had known him, I simply denied Mr. Inglis' assertion, and no attempt was made to prove it.

Mr. Davies, in his evidence at the former inquiry page 87, says: "At the commencement of the case Mr. Inglis said to me in a loud voice I think you ought to know Sir that this Mah-chow Wong is a notorious scoundrel and has been convicted of receiving stolen goods. Mr. Caldwell immediately replied, also aloud, that is quite a mistake Mr. Inglis, no such thing ever happened." This is the "interference" to which Mr. May refers in his evidence, and he must have heard of it either from Mr. Davies or Mr. Inglis. Besides, Mr. Davies, partisan though he was of Messrs. Anstey and May, stated further that he "did not notice any particular effect produced by Mr. Caldwell being on the bench at the commencement of Mah-chow Wong's case." Had my presence been prejudicial to the interests of justice, as Mr. May asserts, surely the Magistrate who conducted the investigation and who was present in Court the whole time, would have been more likely to have noticed it than Mr. May who was never present during the whole of the time that I remained in Court.

In further proof of this charge Mr. Murrow quotes a long passage from Mr. May's evidence at the former inquiry page 39. The apprehension of Mah-chow Wong, in this instance, for a supposed obstruction of the Police, was only another attempt of Mr. May to injure Mah-chow Wong; and believing it to be such, and not being in the Government service at that time, I bailed him out. The case was this: The man, Chui Aui, was charged with having been concerned in a case of robbery, and some woman was supposed to have seen Chui Aui in Mah-chow Wong's house. A Constable was sent to apprehend him. That Constable was an Indian. He was sent without a Warrant,

and not being able to make himself understood, was forcing himself upstairs into the family part of Mah-chow Wong's house. Not knowing the man's object, Mah-chow Wong naturally resisted the proceeding, and would not allow the Constable to enter. For this Mr. May had him arrested, although there was no proof of Chui Akwei being in Mah-chow Wong's house, and although the Constable neither produced his warrant nor told his object in coming. The Magistrate dismissed the case and discharged Mah-chow Wong. But Mah-chow Wong was not satisfied with this result. In order to clear himself of the charge of having harbored Chui Akwei in his house, he immediately took measures to have him apprehended, and Chui Akwei was, on the same day, through the instrumentality of Mah-chow Wong, apprehended and brought to justice; which Mr. May well knew. Chui Akwei was taken before the Chief Magistrate, and not being identified by the witnesses, was discharged. Mr. May was so anxious to secure a conviction in this case, that he actually applied to me, although I was not then in the Government service, to give my assistance in endeavouring to secure the attendance of the witnesses for the prosecution. But I must here pause to shew what little credit the statements made by Mr. May at this Inquiry are entitled to, when he wishes to make out a case either against Mah-chow Wong or myself, and, with that object in view, how completely he allows his animosity to override his veracity. On the minutes of the Council under date the 16th August last (page 4) it is stated that "*Mr. May had no recollection that Chui Akwei had ever been apprehended*"; but he entered into an explanation of a conversation he had with Mr. Caldwell as to his desire to apprehend the "principal (Chui Akwei) as it was a case in which the Police were concerned." Again on the 20th of August, page 8 of the minutes, is the following confirmation of Mr. May's recollection, or rather his pretended want of recollection. "Mr. May explained, with reference to his answer at the last meeting, that he had no recollection whether or not "Chui Akwei was apprehended on information given by Mah-chow Wong, *that he had SINCE ASCERTAINED that Chui Akwei never was apprehended*"—thus leading the Council to believe that he had made inquiries, and had *satisfied himself* that what I had stated, viz. that Chui Akwei *had been* apprehended, and by Mah-chow Wong's means, was false.

On the 28th August however we have the following startling admission by Mr. May, (page 17). "Mr. May explained that he was mistaken in asserting that Chui Akwei had never been apprehended. He had *this morning* learned that he had been "apprehended as stated by Mr. Caldwell. The facts of the case were these"—and then Mr. May enters into a long and most particular narrative of the case connected with Chui Akwei, from which I extract only the following:—"Chui Akwei was apprehended the same day and identified by the pirate who had been robbed as one of the two Chinamen who had been with the Police. Chui Akwei appeared the next day before Mr. Hillier, but there the witnesses said they could not identify him. The two Constables who were in custody said he was [the] Chui Akwei, and [that he was] the man who went with them to the brothel. Mr. Hillier liberated Chui Akwei on heavy Bail to "appear any time within 12 months."

Now why did not Mr. May make this circumstantial statement on the 16th of August when I asked him if he did not know that Chui Akwei had been apprehended through Mah-chow Wong's instrumentality? Why did he then say that "he had no recollection that Chui Akwei had ever been apprehended"? With his knowledge of all the above facts, why did he *again* on the 20th of August, four days afterwards, lead the Council to believe that he had made the necessary inquiries, and state that he had "*SINCE ASCERTAINED that Chui Akwei never was apprehended*"? How are these deliberate assertions to be reconciled with the minute, and circumstantial account given by Mr. May, on the 28th of the same month, of Chui Akwei's apprehension, and the proceedings adopted against him in consequence of it? On the morning of that day (the 28th August), before the assembling of the Council (having previously discovered from the charge sheets at the Central Police Station, that Chui Akwei had been arrested on the 26th January, 1856,) I went to the Police Court with the view to discover, if possible, among the Records there, some evidence of the investigation of the case against Chui Akwei, in order to enable me to contradict the statement made by Mr. May, on the 16th and 20th August. I applied to the Chief Clerk, and after some search, found a record of the whole proceedings against Chui Akwei, and took a note of them for the purpose of bringing the facts at the proper time, to the notice of the Council. Mr. May saw me in the Clerk's Office reading the depositions. Whether he divined the object of my search, or ascertained it afterwards from the Clerk, I know not; but on that very day (the 28th) he admitted his error to the Council respecting Chui Akwei's apprehension, retracted his previous assertions, and entered into that detailed statement of the facts of the case, which covers one half of page 18 of the printed minutes the whole of

which must have been present to his mind when he, on the *first* occasion, stated that he had no recollection of Chui Akwei being apprehended by Mah-chow Wong's instrumentality, and when he on the *second* occasion asserted, that he had since then "*ascertained* that Chui Akwei never was apprehended"; his object in making these false statements being to throw discredit on my own statement to the Council, and to deny to Mah-chow Wong the merit of having caused the apprehension of Chui Akwei, and which Mah-chow Wong did to shew that he had not been harboring him in his house as it was Mr. May's desire to make out.

As the charges against me at this inquiry have been mainly supported by Mr. May, and the convict Shum Ahing I would beg to press these prevarications of Mr. May on the consideration of the Council. Mr. Murrow has quoted whole pages of the evidence given by Mr. May at the Inquiry in 1858, in support of his present charges. As to Mr. May's conduct at that Inquiry, and the character of the evidence he then gave, I also offer for the consideration of the Council a few quotations from official documents published in the Blue Book.

At that Inquiry Mr. Day, the then Senior Barrister of the Colony, was retained by the Government in the capacity of legal adviser to the Commission, and in his official report to the Governor, under date 4th of August, 1858, upon the proceedings and findings of the Commission, he thus refers to Mr. May. (Page 195 Blue Book.)

I concur with the Commissioners in saying that charge 2 has been satisfactorily met and explained by Mr. Caldwell, but not that there existed strong *prima facie* grounds for bringing it. At the time the Attorney General first preferred this charge, he had in support of it solely a letter of Mr. May. Mr. May's information is partly gathered from the mere hearsay statement of a neighbour of the occupant of the house in question, and in his version of what took place, he is contradicted both by his informant and his own servant.

Again :—

I agree that charge 15 has not been proved, though in so reporting, the Commission must have disbelieved the *positive* evidence of Mr. May.

In another letter from the same gentleman to the Colonial Secretary dated the 14th of August, 1858, reporting upon Mr. May's letter of the 29th July of the same year, he says,—

I have perused the letter of Mr. May to yourself of the 29th July last, and have now the honor of forwarding at your request, for the information of His Excellency, my opinion and advice as to Mr. May's conduct in this matter.

He in the first place "utterly disclaims the charges presented before the Commission," and so did the Attorney General. He admits, however, having been the informant on charges 6, 7, 8, 9, 11, 12, 13 and 15; and it is abundantly clear that, although when found to have been disproved it is convenient to disclaim them, he was also the informant of the Attorney General on charges 2, 3, 14, 16, 17, 18 and 19.

In another part of his report Mr. Day states,—

Again, he [Mr. May] goes on to speak of their [Mah-chow Wong's books] containing "entries of pecuniary dealings with the Registrar General in a book devoted to piratical accounts." This I can look on in no other light than as a wilful assertion of an untruth, intended to bolster up the concluding portion of charge 11, which had broken down through his own former evidence.

(It must be borne in mind that Mr. May had previously stated in his evidence that "There was *no entry* in his memoranda to the effect that certain moneys had been or "were to be paid out of the proceeds of plunder to or for or on account of Mr. Caldwell," though in subsequently stating that Mah-chow Wong's books contained "entries of pecuniary dealings with the Registrar General in a book devoted to piratical accounts," he evidently meant it to be inferred that these pecuniary entries were on account of "*piratical transactions.*")

In concluding his report Mr. Day says,—

The letter of explanation therefore appears to me to aggravate the case against him [Mr. May.] I find him before deemed unworthy of credit by the Commission when positively asserting circumstances which would, if believed, have established charges 3, 15, 18 and 19. I find him now with the view of reviving an important charge which he had himself disproved, deliberately penning in contradiction of his own recorded evidence, a statement which I have not the remotest doubt is a pure and simple invention of his own.

In addition to the above I give an extract from the report of the Acting Colonial Secretary upon a letter of Mr. Anstey's. To that letter there was an appendix drawn up by Mr. May and furnished to Mr. Anstey, containing matter inculpatory of myself, and which Mr. Anstey headed with the words "Ascertained by Inquiry."

The Acting Colonial Secretary says,—

The *quantum valeat* of this document can only be understood when it is known that although the Attorney General puts it in, he did not draw up a word of it; it was given to him by Mr. May, the Superintendent of Police, who cannot speak a word of Chinese, and yet it is stated to be procured chiefly from Chinese information. It is a mere contemptible farrago of gossip, scandal and invention..

Lastly I give Sir John Bowring's opinion of the conduct of Mr. May at that Inquiry after the Report of the Commissioners, and the evidence had been sent in to His Excellency.

The following passages occur in a letter addressed to Mr. May dated 23rd July, 1858, (Blue Book page 244.)

His Excellency the Governor directs me to inform you that the report of the Commission upon the charges made against the Registrar General with the evidence, and accompanying documents have been submitted to, and carefully considered by him.

It appears to His Excellency that although these charges were brought by the Attorney General, there can exist no doubt, but that nearly all of them originated with yourself, and from the very prominent part taken by you in the proceedings before the Commission, you assumed the position of joint prosecutor with that officer.

His Excellency finds that none of the charges have been substantially proved, that many of them are reported to have been brought on insufficient grounds, and some were altogether baseless.

It further appears that you have been actuated throughout by a most unfriendly, not to say hostile spirit, towards a brother officer, whose private hospitality and intimacy you abused for the purpose of supporting the objects of your prosecution.

The Commission discredits the evidence given by Assow a witness produced by you, and also that of Lyons and Roberts, persons whose inquiries with the object of obtaining criminatory evidence, you acknowledge yourself to have directed. This circumstance creates grave suspicion with regard to your interference in this branch of the inquiry, which is painfully confirmed in the mind of His Excellency by your having recently selected Lyons and Roberts as fit persons for promotion in the Police Force. The very insufficient evidence upon which, on your authority, the Attorney General brought the charge against the Registrar General of being the owner of brothel No. 48 proves, but too clearly, your inability or disinclination to distinguish between grave realities and unfounded reports.

These are the opinions, officially recorded, of gentlemen holding the highest official positions in the Colony, who had full and ample opportunities of knowing Mr. May's character, and I deem it right to myself to give them a place here lest Mr. May's specious manner, easy plausibility, and facile tongue may have imposed on the credulity of those who may not as yet have obtained an insight into his real character.

I now proceed with my remarks on the evidence adduced by Mr. Murrow in support of his first charge, 2nd part.

There is nothing in the passage quoted from Mr. Davies' evidence page 87 that I think it necessary to reply to beyond stating that I reported upon the sufficiency of the Bail offered for Mah-chow Wong, as I was accustomed to do in other cases, and that Mr. Davies also satisfied himself personally as to their sufficiency. He states, "I believe it to be quite right as Mr. Caldwell seems to suggest that I asked Mr. Caldwell into the Magistrate's room; in fact I spent about three quarters of an hour in examining into the sufficiency of the surities. I made each of them make a declaration that the value of his property after all his debts were paid, was enough to cover the penalty."

Mr. Murrow also quotes Mr. Davies' letter to the Colonial Secretary, No. 32 of 16th August, 1858, in proof of this charge. That letter only shews that one Magistrate Mr. Mitchell, refused to believe the delinquent Interpreter 'Ng-mun-sow (or Assow) on his oath, and that another Magistrate, Mr. Davies, refused to testify to his general credibility,—and Mr. Davies, though he took part with Mr. Anstey in his proceedings against me under the former Commission, refuses to believe the statements of Tong Akü, that I had used threats of vengeance against him if he gave evidence against me at the Commission. I quote here the remarks endorsed on the back of this letter by Sir John Bowring at the time it was sent in.

Mr. Bridges [then Acting Colonial Secretary] will make any observations he deems fit on this letter. I think, when *proofs were offered* of threats of vengeance against more than one of the Police Court Interpreters should they give evidence before the Commission, it would have been better to have examined the *proofs* than that Mr. Davies should merely report that he does not believe them. As a member of the Commission, he has reported that the Chinese are unwilling to give evidence against Mr. Caldwell. *Proofs* of such unwillingness, especially associated with threats, would have been very important.

I will only remark here that had there been any such proofs neither Mr. Davies, nor Mr. Anstey, nor Mr. May would have allowed them to remain unexamined.

The last document Mr. Murrow refers to in proof of this charge is Mr. May's letter of the 20th July, 1857, 4th and last paragraphs. There is nothing in either of these paragraphs beyond the statement of Mr. May's *opinion*; which, I submit, ought not to receive the slightest consideration when it refers to any matter regarding myself. If Mr. May's statements of *facts* are so erroneous, and one-sided as I have shewn them to be, of what value are his opinions? If I am to be judged by Mr. May's opinions I might just as well admit the whole of Mr. Murrow's accusations, and save the trouble of an investigation. The Acting Colonial Secretary, to whom this letter of Mr. May's was referred, and who was personally cognizant of the position in which Mr. May stood with reference to myself, has recorded his opinion of that letter in the following report: "With the exception of what relates to the sugar, a case now under investigation at the Police Court, there is not one syllable of reliable information in this long letter. "But it shews a very strong prejudice on Mr. May's part against Mr. Caldwell; and I have no hesitation in advising His Excellency, that I consider Mr. May and Mr. Inglis "to be more actuated by a desire to injure Mr. Caldwell, of whose position both are "jealous, than by a real interest to advance the public interests of the Colony."

With regard to what Mr. May says in the last paragraph of his letter that I exhibited an interest in the matter (of piracies) by appearing in Court, I can only say that I have felt it my especial duty to take a personal interest in every case of piracy that has been brought to my notice, from whatever source the information may have been derived; and that there were few cases of piracy, at that time, that did not claim my attention, either on the part of the prosecution, if the facts were clearly established, or on the part of the defence, if it had been brought to my notice that the parties had been wrongfully charged, a fact of no uncommon occurrence.

The *third* branch of Mr. Murrow's first charge is,—

With having appeared on the Bench when Mah-chow Wong was brought before the Magistrate in the Davies' sugar case and given Mah-chow Wong a good character.

So puerile a charge scarcely demands more than a passing notice, and I do so merely to shew how Mr. Murrow labors to swell the number of his charges by the insertion of a matter of such insignificance.

But Mr. Murrow's charge is false in fact, and it is shewn to be false by the very evidence he quotes in support of it, namely, the evidence of Mr. Davies before the Commission of Inquiry in 1858, page 87. "At the commencement of the case Mr. Inglis "said to me in a loud voice 'I think you ought to know, sir, that this Mah-chow Wong "is a notorious scoundrel, and has been convicted of receiving stolen goods.' Mr. "Caldwell immediately replied, also aloud, 'That is quite a mistake, Mr. Inglis; no such "thing ever happened.'"

This was the whole that passed with reference to this matter; I simply contradicted an assertion uttered by Mr. Inglis. Mah-chow Wong had never been convicted of receiving stolen goods—or of any other felony or of any crime whatever in Hongkong, and Mr. Inglis made no attempt to prove the truth of his statement; for in fact he could not do so.

A *fourth* branch of Mr. Murrow's charge first is,—

With having procured or been instrumental in procuring Bail for Mah-chow Wong after he was committed.

This also I deny. Mr. Murrow has quoted in support of this charge certain statements made by Mr. May before the Commission of Inquiry in 1858, (page 36 printed evidence) the whole of which it is almost unnecessary for me to say was untrue, for Mr. May *now* confesses the fact himself.

Mr. May explained [page 6 of the present minutes] that the circumstance alluded to by him in his evidence quoted [by Mr. Murrow as above] was, when Mah-chow Wong was called on to find sureties to keep the peace; and that he was mistaken in saying before the Inquiry [in 1858] that this *was* Bail for the cases in which he Mah-chow Wong was committed for trial.

I might rest my answer to this charge here; but it was this false statement of Mr. May, given by him before the former Commission, (which he now retracts), which misled the Commissioners on that occasion, and induced them to say,—“That as to “charge 9, it has been proved that Mr. Caldwell aided in the acceptance of Sze-kai his “former servant as Bail for Mah-chow Wong, and that Sze-kai had been imprisoned “for debt, for a few days, a short time previously.”

It is true Sze-kai had at one time been in my service, but he had been discharged by me nearly twelve months before he offered himself as Bail for Mah-chow Wong, *not* after Mah-chow Wong was committed by the Magistrate to take his trial, but on a previous occasion, when Mah-chow Wong was bound over to keep the peace. I had nothing whatever to do with procuring Bail for Mah-chow Wong after he had been committed by the Magistrate. This is what Mr. Davies says in his evidence at the former inquiry. "Mr. May and I sat, as I have said, together on the other case and "upon it Mah-chow Wong, and another were committed for trial. In neither case was "he admitted to Bail until after he was committed. He was then bailed by order of "the Chief Justice *the Crown Solicitor looking to the sufficiency of the sureties.*"

Mah-chow Wong had, before his committal on the above charge, been required to procure sureties to keep the peace, and it was in reference to this, that Mr. Davies gave the evidence quoted by Mr. Murrow at page 96, which is easily explained. Since my appointment as Registrar General, it has been the practice at the Police Court, in nearly all cases of Bail to refer the question of the sufficiency of the sureties to me. It was no part of my duty; but, as the standing of nearly every Hong and Shop in the place was pretty well known to me, I was always referred to for my opinion of the sufficiency of the parties, and, for the assistance of Magistrates, I always gave it. No one knows this better than Mr. May himself, who has in upwards of a hundred instances taken bail after the usual reference to me. On the occasion in question, Mr. Stace, the Solicitor for Mah-chow Wong, handed to me when I was on the Bench a list of eight names whom he offered as Bail for his client, telling me at the same time they were all present. I selected from that list the names of four of the most substantial parties, and gave them to Mr. Davies, telling him that I thought them quite sufficient Bail for the case. If, in doing this, I am justly chargeable "with having procured Bail" for Mah-chow Wong, then I may, with equal justice, be charged with doing the same thing in upwards of 500 cases that have been referred to me, in a similar manner, during the last four years.

The *fifth* branch of charge 1, is,—

With giving evidence in favor of Mah-chow Wong at the Supreme Court.

Here is another frivolous accusation. As nothing is said in the charge about my evidence being false, I do not see what I am to answer to this branch of the charge. I was subpoenaed to give evidence on the part of the defence, and I here insert the evidence I gave, taken from the Judge's notes of the trial:—

I have heard the evidence of Dr. Bridges. The lorcha in question belonged to me at the time Mr. Bancroft had the command. I was present when the report was made to Dr. Bridges. He handed me some letters which he had written two months before informing me of what had taken place, and of his detention down the Coast. (Gives further evidence as to the report.) It is an universal custom among Chinese merchants to advance money to traders for the purchase of goods or of bartering. The books which have been produced are of an ordinary mercantile nature. When Constable Bartlett made the report of Aki's offer, Mr. Grand-Pré was present, but not Mr. May. He did make use of the expression Samqui. I have had no conversation whatever with the first prisoner. Cross-examined by the Acting Attorney General. I sold my interest in the lorcha to Akee. This lorcha was taken by the Police two or three months back. She was taken because she was supposed to be the lorcha *Alma*.

I gave no other evidence; whether it was in favor of the prisoner or not, I stated nothing but actual facts within my own knowledge, which were capable of confirmation by other witness, had confirmation been necessary.

The *sixth* branch of Mr. Murrow's first charge is,—

With having gone to the Governor the day after Mah-chow Wong was convicted with the prisoner's Counsel to solicit a pardon or mitigation of sentence for Mah-chow Wong.

This is correct. I *did* intercede for a pardon for Mah-chow Wong, and I did so because of my conviction that he was not guilty of the crime of which he had been convicted, because I believed that his conviction was owing to the hostile feelings entertained against the man by Mr. May, who had, with infinite pains, got up the case against him, and because I believed that the minds of the community were prejudiced against him by violent articles in the local papers, in which he was held out to be every thing that was corrupt and villanous. With this conviction strongly impressed upon my mind, and knowing also that Mr. May's animosity against the man was in a great measure owing to his jealousy of myself, and of the reputation I had earned in the same department as himself, though his junior, in a great measure by the valuable information Mah-chow Wong had been in the habit of supplying me with,—which information

he had refused to give to Mr. May, although frequently asked to do so,—I interceded for the man's pardon, or at least for a mitigation of his sentence. I did so also on the ground of his great public usefulness as an Informer on many remarkable occasions, not only against pirates, and other malefactors, but against emissaries of the Chinese Government sent to this Colony during the war in 1856 and 1857.

It was also to his fidelity and vigilance that I owed the saving of my own life during this same war when a reward of \$20,000 was offered for the heads of the Lieutenant Governor of the Colony and myself. This was no mere threat, for hired assassins were actually sent over here by the Mandarin of Sha-cheang for the purpose of concerting with other Chinese in the Colony, to effect this purpose, which was prevented by the timely information obtained by Mah-chow Wong. The accomplices belonging to the Colony were apprehended—written proofs of their intended crime were found secreted in their houses—they were tried for Treason—one of them was convicted and sentence of Death was passed upon him, which was subsequently commuted to transportation for life, Mr. Anstey being the Attorney General by whom they were prosecuted.

From the beginning to the end of the case against Mah-chow Wong I believed it to be one of hardship and oppression, and in interesting myself to obtain a pardon for the prisoner, I neither overstepped my line of duty as Protector of Chinese, nor committed an act which could justly render me liable to censure.

The *seventh* branch of Charge 1 is,—

With having got up a petition in favor of Mah-chow Wong to the Government and Executive Council, which some of the Chinese signed *in terrorem*.

I neither “got up” the Petition here referred to, nor was it signed by any of the Chinese *in terrorem*, so far as I am aware of.

The Petition was drawn up by some friends of Mah-chow Wong praying for a mitigation of his sentence—a thing of not unfrequent occurrence among the Chinese. It was brought to me as all Chinese Petitions are; I forwarded it to the Colonial Secretary, and I interested myself in support of the Petition, for the reasons I have stated above. I do not believe a single signature was attached to that petition *in terrorem*, as has been alleged. The evidence of Mr. May in page 39 of the former inquiry referred to by Mr. Murrow, was read over to Wo-hang *in English*, and from the way in which it was done, and the manner in which he admitted its correctness, I do not believe he properly understood its meaning. Wo-hang is a respectable Chinese Merchant, and I feel sure, had the evidence of Mr. May been properly translated to him in his own language, he would have given some qualification of Mr. May's assertions. For instance, the words “dared not refuse” in English are not easily understood by a Chinese, and the essentially European custom of *Black-balling* alluded to by Mr. May, is improbable upon the face of it, and looks like an addition of his own, since Chinese know nothing of such a practice, and no Chinaman would ever refer to a custom, as a test of correctness, which did not exist among themselves. There is not the slightest allusion in Mr. May's evidence as quoted by Mr. Murrow, or any where else, to shew that I in any way influenced the persons who signed the Petition in Mah-chow Wong's favor. I suggested to the Council that they should send for such and as many of the persons who had signed the Petition, they thought fit, and examine them as to their reasons, and the feelings under which they put their names to that document. That would have been the surest way of discovering whether it had been signed *in terrorem* or not. There were upwards of 200 signatures to the Petition. As the Council did not direct any of the Petitioners to be sent for, I presume they did not think it necessary. I should have called some of them myself but *that* might have laid myself open to the oft reiterated charge of “tampering with witnesses” which my accuser has so freely, and without the slightest grounds, used throughout this Inquiry.

The *eight* and last branch of Charge 1 is the following:—

With having reported, when directed to examine the papers found in Mah-chow Wong's shop, that they contained no evidence of guilt—and that such misrepresentation would, but for the merest chance, have procured the pardon of Mah-chow Wong.

I deny the fact of misrepresentation which seems to be the pith of this charge. I admit that I translated such parts of Mah-chow Wong's books and papers as were handed to me for that purpose, and I maintain that the report I made thereon was a true report and that the correctness of it was confirmed by Mr. Mongan, the Acting Chinese Secre-

tary, who had, and kept possession of the books and papers from which the translations were made.

After Mah-chow Wong's trial, his books and papers were sent by the Government to the office of the Chinese Secretary. I was directed to report, with Acting Chinese Secretary, on whatever might be found in them "favorable or unfavorable to Mah-chow Wong." Mr. Mongan, the Acting Chinese Secretary, had the books and papers in his possession, and they were in sealed parcels. Mr. Mongan told me that he had instructions not to let any of the books or papers go out of his sight, and he was very particular about them. The examination of them was conducted in the following manner: Mr. Mongan, assisted by his Chinese Teacher, sitting at one desk, opened each parcel and examined their contents, and as either document or entry struck his attention, he handed it over to me for translation, which, with the aid of my Chinese Clerk, sitting by me at a table by the side of Mr. Mongan, I performed. As I finished each document I returned the original paper to Mr. Mongan, who then gave me another, and in this manner we proceeded to the end of the examination. The selection of each paper for translation was made by Mr. Mongan himself. I had no means of seeing or making myself acquainted with the contents of any of the books or papers, save those which Mr. Mongan selected and handed to me. The responsibility of the selection rested entirely with Mr. Mongan. I merely translated into English such as he thought were necessary for the report. When I had completed the report of the examination, I submitted it to Mr. Mongan for correction; he expressed himself satisfied with its correctness, and it was then sent to the Government.

In reference to this matter Mr. Mongan gave the following evidence before the former Inquiry in 1858.

About two days afterwards I proceeded with Mr. Caldwell to make the investigation. I was assisted by my Chinese Teacher, and Mr. Caldwell had his Chinese Clerk. I and my Teacher first sorted the papers, and in doing this, ran over the contents, and any that were of a *suspicious* nature, we put on one side. I understood my instructions to be, to look for any entries bearing on the statements made in the "China Mail" of the 17th September 1857. The papers put on one side were then examined by Mr. Caldwell, and the contents noted down. *In doing this Mr. Caldwell consulted me and also upon what he noted down.* I think, but am not quite sure, that this examination occupied about three half days. As far as I was concerned, I should call it a cursory examination. I should not call it a searching one, unless I went over every item myself, and compared it with the books. Of this I am certain, that I saw nothing of a suspicious nature in the books which I did not put on one side, and I believe that *all those so put on one side were afterwards examined.* I think it *hardly possible* that any thing of a *suspicious nature escaped me*, but I cannot pledge myself to the exact accuracy of every item noted down. I have read through the report made on the examination of the books by Mr. Caldwell and do not recollect seeing any entries of a suspicious nature not therein enumerated.

The following is a copy of Mr. Mongan's deposition taken on oath before the Magistrate in the case of Queen v. Tarrant for Libel.

The mode of taking the examination of Mah-chow Wong's books was as follows:—It took place at 6 A.M. on the 3rd of October last, in the inner room of our office. There were three Chinese engaged in the work; Ying-loong-tim, Shum-cheok-yeen, and Chang-toong Yuen (Mr. Wade's Teacher.) I was myself present, but am not sure whether Mr. Caldwell was present or not at the examination on the first morning. The first morning was consumed in apportioning the matter to be examined by the two teachers. I appointed one man to take the impression of the seals, and gave each of the others a certain batch of papers to look over. The work of examination commenced properly after breakfast. We began about 10 o'clock; I was present myself, and had Yeong to assist me. I changed my purpose as to employing the assistance of the other two, as I could not supervise them sufficiently. I took a seat at the table with Yeong. We took a basket and tumbled out the papers on the table. Corrected—I took out an armful from the basket at a time. As each book or paper came to hand, I think I looked at it first, and then handed it to Yeong. He then read it for me, and I ordered him to put it on one side or the other, according as I considered it relevant or the reverse. Amongst the documents were numbers of small receipts, which Yeong himself may have looked at and put on one side without their having passed under my eye. As well as I recollect, I had a memorandum book in which I noted parcel No. so-and-so. So many books, so many papers; but I did not take down anything of the contents, as well as I recollect. My first intention was to note at least a summary of the contents of each document, but seeing such a crude mass before me, I gave up that idea. Thus, from first to last, throughout the whole examination, with exception of what I have already stated, I did not make any written memoranda of the contents of the books or documents. The whole of my inspection consisted in assorting suspicious documents. The latter were put back into the bundles or baskets from which they were originally taken, and the former were handed to Mr. Caldwell. He came shortly after 10. He did not take a seat at the table. I cannot recollect whether he made any memoranda (I am speaking now of the first day); I think he remained up to 12 o'clock, then went away and returned at 2. The examination lasted up to 4 o'clock, but I cannot say whether he made any notes or memoranda on the afternoon of that day. I have a very imperfect recollection as to what part he took in the first day's proceedings. The second day's work commenced about 6 o'clock in the morning. There were present Yeong, myself, Mr. Caldwell, and his Teacher. Yeong and myself were seated at the sorting table; Mr. Caldwell and his Teacher were either sitting or standing at another table. Mr. Caldwell had writing materials at his table, and made memoranda, whether with pen or pencil I do not recollect. I had placed in his hands the suspicious papers, while Yeong and I went on sorting. Mr. Caldwell showed me the memoranda he made at the time. They covered about a folio and a half

of foolscap, as well as I recollect. He called my attention to the insignificant contents of some of the documents. For instance, as we were examining with reference to certain statements in the "China Mail," to the effect that some thousand dollars' worth of gunpowder had been purchased, Mr. Caldwell showed me a bill for the purchase of some small quantity. The same as regards spear heads. I give these as instances. The second day completed the examination so far as Mr. Caldwell's report was concerned. I wish to state that on the second day's examination, one bundle of papers did pass into the hands of Mr. Caldwell and his Teacher without having first passed under my own eye or that of my Teacher. This comes to my recollection from the fact that three days after my formal examination closed, I took up that bundle of papers (as well as I can recollect, it was the identical bundle), and looked over them. Deponent being asked what prompted a proceeding so much out of course, states: I did so because I had heard that Mr. Caldwell was trying to obtain a pardon for Mah-chow Wong, and I wished to be able to say, if necessary, that all the documents on which the report was founded had passed under my eye. Mr. Caldwell showed his report, and asked me if it was in accordance with the memoranda which he had taken and exhibited to me on the 5th. I concurred in the report.

If my report of the examination of Mah-chow Wong's papers contain no evidence of guilt as stated in Mr. Murrow's charge, I submit I am not responsible for it, inasmuch as it will be seen from the foregoing statements of the officer who made the examination, that I had no part in the examination of the papers, but merely the translation of those which the Acting Chinese Secretary thought necessary to be translated, and that the translations I so made were correct; therefore the charge of "misrepresentation" applies not to me.

I now come to Mr. Murrow's 2nd Charge, which is:—

With having procured the restitution of the pirate's property after his conviction, as having also obtained an order for the delivery of the books and papers from the Supreme Court on which the pirate was convicted.

Mr. Murrow in this, as well as in all his other charges against me, either pretends ignorance of, or knowingly ignores the duties attached on my late office of Protector of Chinese. Petitions were constantly being brought to me by Chinese upon nearly all subjects, and these Petitions it was my duty to forward to the Government for orders.

When Mah-chow Wong was arrested seizures were made by the Police of the property in his private house as well as in the Kwong-yik-loong Hong, with which he was supposed to be connected. After his conviction the property that remained in the Hong was given up to the people in the Hong by the Police, without, my interference, but there still remained in the possession of the Police, some articles which had been removed from the Hong, and also the books, some of which latter had been produced at the Supreme Court during his trial.

A Petition in the ordinary course was brought to me by Shum Ahing, then and previously manager of the Kwong-yik-loong Hong, belonging to Wong Achaong and others, but in which Mah-chow Wong had no share, and no interest beyond a fifth of the profits for his assistance to the Hong in case of difficulty. This Petition prayed for the return of the property, and also of the books of the Hong, as it was stated that without them, the business of the Hong could not be carried on. This Petition I forwarded to the Colonial Secretary, as it was my duty to do, in the usual way, and I heard nothing more about it until it was sent back to me from the Colonial Secretary's Office, with an order endorsed on the back of it, for the delivery of the property and books, &c., as prayed for. As these books had been seized by the Police, I handed the order to the Assistant Superintendent of Police, Mr. Grand-Pré, and here my interference in the matter ended. Mr. Grand-Pré himself applied to Mr. Masson, Acting Registrar of the Court, for the books (see Mr. Masson's evidence page 68 of the Inquiry in 1858) and Mr. Grand-Pré delivered them up to Shum Ahing. On neither occasion was I present. It was upon the same Petition and order that Mr. Grand-Pré delivered up the other articles to Shum Ahing, whom I sent to Mr. Grand-Pré for that purpose. (See Mr. Grand-Pré's evidence at the Inquiry in 1858 page 69.)

Had such a Petition been presented on behalf of any other person, on such a subject, nothing would have been said of the fact of its having passed officially through *my* hands to the Government; but because the name of Mah-chow Wong happened to be mixed up with it, the official act of forwarding it to the Government for directions, is immediately construed by my enemies into a dereliction of duty on my part as favoring the Petitioner. I did nothing more in this case than I was accustomed to do in every other case. I did not even have an interview with my superiors on the subject, and I gave no recommendation in behalf of the application. In handing the order to Mr. Grand-Pré, the Superintendent of Police, and in sending the Petitioner to that officer for his property, I merely carried out the directions of the Colonial Secretary endorsed upon the Petition.

Mr. Murrow's 3rd Charge being the one which was last proceeded with before the Council, I shall, in like manner, take last in replying to it.

Mr. Murrow's 4th Charge was:—

With having during the past few months published a pamphlet not only reasserting the innocence of the pirate, but maligning every individual whether a member of the Government or otherwise who had been at all instrumental in bringing the pirate to justice.

This was another frivolous and insignificant charge put in apparently with no other object than to swell the list; but Mr. Murrow was evidently ashamed of it and withdrew it.

His 5th Charge is an equally empty one; it is:—

With being in the habit of inducing British Men-of-war upon the sole information of Mah-chow Wong to destroy piratical squadrons there being evidence to prove that the said pirate was actuated by peculiar motives of his own and that the power he thus possessed of evoking the assistance of men-of-war greatly added to and strengthened his piratical influence.

I have failed to see in this crudely shaped charge the particular offence which Mr. Murrow wishes to impute to me. The charge seems to divide itself into three parts: 1st, The destruction of piratical squadrons; 2nd, Mah-chow Wong's peculiar motives in giving information; 3rd, The increase of his supposed piratical influence. Surely Mr. Murrow does not mean to impute blame to me for causing the destruction of the hordes of pirates which infested these waters to the great detriment to the trade of the Colony. That the numerous squadrons so destroyed were pirates, I presume even Mr. Murrow himself does not put forth a serious doubt. If, therefore, the fleets referred to by Mr. Murrow as so destroyed, be, as he himself terms them, "piratical squadrons" what matters it whence the information may have been derived, or what the motives which dictated it, if the result brought about was the removal of an evil equal in magnitude to, and attended by as great atrocities as the inhuman coolie traffic to the Havannah and the barbarous Barracoon system.

This I know, that I have never found the information given me by Mah-chow Wong against the proceedings of pirates to fail; but, that nevertheless, I have never, on any single occasion that I can remember, acted upon the *sole* information of Mah-chow Wong. In every instance in which I have accompanied expeditions against pirates upon information given to me, I have had the parties, whose vessels had been attacked or captured, brought before me, and have satisfied myself of the fact, before reporting the same to the Government, and I have taken those parties with me in Her Majesty's ships to enable us to trace the pirates, which we seldom failed to do, finding in almost every instance of capture, incontestible proofs of the piratical character of the fleets, all which circumstances will be found amply detailed in the public despatches of the Naval Commanders entrusted with the command of the expeditions against them.

Mah-chow Wong's position as the recognized head of the people belonging to the Maritime district of Sun-oan, and his connection with the fishing Junks, gave him opportunities of acquiring information of this nature, which probably no other man in the Colony possessed.

What the peculiar motives were which actuated him in giving me this information I never stopped to inquire, and can no more pretend to divine than I can the "peculiar motives," which actuate Mr. Murrow in the zeal he has displayed, and the labor he has bestowed in his unwearied endeavors to procure my dismissal from the public service by means of the present Inquiry, unless it be in revenge for the suppression of his barracoon, and the liberation of 240 of his victims. I know nothing of the "piratical influence," attributed to Mah-chow Wong. I still maintain that there was nothing beyond Mr. May's opinions and suspicions to shew that Mah-chow Wong was a pirate. The case upon which he was convicted I have already shewn to be a weak one. In reporting upon that case the Acting Colonial Secretary, himself a leading member of the legal profession, says,—

The first case against him according to the evidence, as appearing in the notes of the Chief Justice, completely broke down, and the Jury asked leave to retire, the Chief Justice, the Acting Attorney General, and Mr. Day, the Prisoner's Counsel were conversing as to the best day for the trial of the second case (supposing a verdict of acquittal a *certainty*), when the Jury returned a verdict of guilty.

I was directed to examine the evidence at the trial, and to my astonishment found that there was nothing which warranted a conviction, and this is a point about which there cannot be two questions. The

Governor took the opinion of the Chief Justice, and he reported that he would have been better satisfied had the verdict been the other way. (Blue Book page 63.)

Great efforts were made by Mr. May at the Inquiry in 1858, and again by himself and Mr. Murrow at the present inquiry to shew that the entries appearing in Mr. May's Memoranda extracted from the books and papers of Mah-chow Wong prove his "piratical transactions." The worst construction is put upon every item, which is twisted and distorted to give it the complexion and character of a piratical transaction. Every entry, which if found in the books of any Chinese shopkeeper in the Colony, would be looked upon as one of an ordinary mercantile nature, is, in Mah-chow Wong's case, viewed with suspicion, and construed into a piratical dealing.

I have gone over every entry in this Memoranda carefully and dispassionately, and will offer a few remarks on such of them, as have been most relied upon as shewing Mah-chow Wong's connection with piracy.

In doing this, and in otherwise endeavoring to shew that Mah-chow Wong was not the "notorious pirate" Mr. May has endeavored to make him out to be, I beg it may be understood, that I am not fighting Mah-chow Wong's battle nor do I aver that he was immaculate; but it has been the object of Mr. May and others to paint this man in the blackest colors in order to cast the deeper stain on my alleged connection with him. I maintain that he was not worse than the generality of Chinese of his class. He was known to be my chief Informer when I was Assistant Superintendent of Police, and he incurred the ill-will of many on that account particularly of the Chinese Interpreters of the Police Court whose malpractices, and those of their friends were often brought to light by his means.

The 1st, 2nd, 3rd, 4th, and 82nd entries in Mr. May's Memoranda all have reference to gambling, a vice to which all Chinese are well known to be strongly addicted. Most of the above items, however, refer to payments made *by* gambling houses. It may not be generally known in this Colony, though the information may not be new to the Superintendent of Police, that every gaming house in the place pays a contribution in money to the Chinese employés in the Police,—to the same class of people in the Government Offices, (the Registrar General's Office excepted, the Chinese employed therein being threatened with dismissal if found receiving it), to the Chinese servants of Europeans in Government employ, and to the head men of the Chinese colonists belonging to the following districts of the South of China: namely, Heon-shan, Nam-hoi, Poon-yu, Sun-oan, Toong-koon, and Shun-tuk. The objects of the payments to the districts head men, however, are purely charitable. The funds so given are applied to relieve the wants of distressed townsmen, and to pay for the burial of those who either have no friends, or whose friends are too poor to bury them. Mah-chow Wong being the recognized headman of the district of *Sun-oan* would I presume, receive the contributions paid by the gaming houses for the relief of the indigent men of that particular district, and the above are doubtless the entries of those receipts. At all events there is nothing in those entries to bear out Mr. May's charge of "piratical occupations."

Entries No. 7, 11, 19, 38, 39, 40, 41, 42, 45, 46 and 47, to 54, 56 and 57, are the whole of the entries in Mr. May's Memoranda, which have reference to the purchase of powder, guns, &c., extracted by Mr. May in order to shew that because such articles appear in Mah-chow Wong's books, he must therefore have purchased them for the purpose of turning pirate or equipping vessels for piratical purposes!

That guns, powder, &c., are articles of trade among the Chinese shopkeepers in the Colony no one will deny; and as there are entries of the *sale* as well as purchase of these articles in the above entries it is but fair to conclude that the sale as well as the purchase formed part of Mah-chow Wong's ordinary traffic. Besides, keeping in mind the strong feeling Mr. May has evinced against this man, it is not too much to assume, that Mr. May would be very particular in noting the entries relating to the *purchase* of arms, while he would pass over altogether those which relate to the *sale* of the same articles. It is notorious that every Chinese trading vessel belonging, not only to this Colony, but to Macao, and the neighbouring Chinese ports, are as heavily armed, and equipped as the vessels of the pirates. They are compelled to do this for their own protection and safety. The only difference that I have ever been able to perceive between the equipment of a pirate vessel, and that of a trading vessel (and I have had as much experience in these matters as any person in China) is in the number of the crew (the crew of a pirate vessel being considerably stronger than that of a trading vessel.)

Mah-chow Wong was at one time owner of four vessels, and they were as much open to attack by pirates as any other trading vessels belonging to the Colony. Indeed one of them was on one occasion chased by a fleet of pirates into a place called Ma-mee, about 150 miles from Hongkong, on her return from Cochin China, and remained blockaded there by the pirates for the space of two months.

It is impossible to say from the omission of the year in some of the entries, and the total absence of dates in others, over what space of time these purchases extended; and therefore it is difficult to deduce from them any reliable inference either one way or the other; but I have made a Summary of the whole quantity of the guns and ammunition contained in the above entries, and this is the result:—

Cannon.—There were bought 9
 There were sold 5
 There were lent 2

These would scarcely suffice for the equipment of one ordinary sized sea-going trading Junk, the usual number of guns carried by these vessels being from 10 to 20,—Junks of the largest size carry even more.

Gunpowder.—Taking the average prices of the different entries, the value of the Gunpowder would be about \$195.50, which would give,—

30 Casks, or
 26 Jars, or
 19½ Piculs.

We do not know from Mr. May's entries within what period of time the above quantity of powder was purchased. It may have been one, two, or ten years, but dividing it between four vessels, it does not shew an excessive quantity for the use of a trading vessel, whereas it would be a very *small* quantity indeed if the 4 vessels Mah-chow Wong owned were "habitually" engaged in piracy. How much of this Gunpowder may have been *sold*, Mr. May's extracts do not inform us now would he be so particular in shewing it.

The same remarks apply to the next article, *Shot*, of which the entries shew a total of 18 piculs 66 catties—value \$77.68, which includes 2 piculs 18 catties *sold*. It is difficult to make an estimate of the number without knowing the size of the shot.

The next article is *Stinkpots*, an article much used by the Chinese both for offence and defence. The total value is \$76. These articles are of different sizes the largest size being 45 cents each, the 2nd size 35 cents, 3rd size 25 cents, and the very smallest 15 cents each. It is equally impossible to ascertain from Mr. May's data the number of years over which the purchases extended, and it is an article much liable to breakage. I am confident that every trading and passage boat now in this harbor, will be found to have between 50 and 100 of these articles on board of her, whilst sea-going vessels would necessarily have much larger quantities.

Muskets.—The total value is \$40, 2 of them is stated to have cost \$17, 8 would probably be the total number.

• *Shields*.—15 in number.

Gun Carriages.—4 in number.

The last three items scarcely need any remark, beyond stating that if Mah-chow Wong's vessels were pirate vessels, his books would have shewn the purchase of a much greater quantity of these articles than Mr. May has found in them.

The above is the aggregate of guns, powder, &c., given in Mr. May's Memoranda, and in reference to which he made the following statement before the Inquiry in 1858, (page 36) when he supposed that his Memoranda had been lost. "With the permission of the Council I read such portions of the Memoranda as referred to the second charge which was that the books and papers would shew the purchase of such *immense quantities—thousands of Dollars worth*—of munitions of war, including Gunpowder, Shot, Guns, Muskets, Shields, Stinkpots, &c., as could *by no possibility have been employed for any purpose but that of piracy*!! Such a statement as this shews either inexcusable ignorance on the part of Mr. May or willful untruth;—for with all Mr. May's industry and research, the whole quantity of munitions he has been able to extract from Mah-chow Wong's books, extending over a period of at least 6 years (for his Memoranda

contains entries from 1851 to 1856) would scarcely suffice for the full equipment of a single large trading vessel and to keep her in ammunition for a twelvemonth.

Mr. May has an entry of 30 catties of Sulphur *sold*. I do not see the significance of it, as Sulphur is bought and sold every day by the Chinese in the Colony as an ordinary article of trade.

Entry No. 13 is to the following effect: "A letter written to Kum-kee by one named 'Awye relating to the Slave trade at Singapore and Penang, and having sold so many 'men.'"

The pith of this entry is in the words "Slave trade." It would be curious to know what the words were, that were used in the letter, to which Mr. May has given this definition. Ever since Singapore has been a British settlement, Chinese from Amoy, Swatow and the Southern ports have emigrated in large numbers to that place, as well as to Penang. Out of a population of 85,000 which Singapore possesses, about 60,000 are Chinese, and nearly the same proportion of Chinese to other residents exists at Penang. The English law is in force at both places, and the Chinese there enjoy greater freedom, and are subject to less restrictions, than their countrymen in this Colony. Such a thing as slavery could not exist there without being known and suppressed.

The only other entry in Mr. May's Memoranda that may bear an unfavorable appearance as against Mah-chow Wong is the 18th, and with reference to this particular entry I would respectfully beg leave to refer the Council to the remarks contained in pages 43, 44 and 45 of my published Vindication which I beg to put in as forming part of my defence.

In Mr. May's remarks appended to entry No. 45, he has endeavored to make it appear that because there is a receipt of money from the Wun-loong Hong (which was convicted of confederating in the piracy of the Gold dust) it must necessarily be connected with the Gold dust piracy. Now the Wun-loong Hong was doing a large business in Hongkong, and must have had transactions with other shops in the Colony in whose books doubtless entries of those transactions would be found if the books were examined; but would that be a ground for charging them with a "close connection" with the Wun-loong Hong in any of its dishonest dealing? It is only because such an entry happens to appear in Mah-chow Wong's books that Mr. May jumps to the conclusion that it must therefore be connected with the Wun-loong Hong's participation in the Gold Dust Piracy.

The same may be said with respect to entries 21, 22, 24 and 25. They may shew a trading with the particular shops named, but they exhibit no connection on the face of them, with the offences with which the persons connected with those shops were supposed to be concerned, all which entries might further be satisfactorily explained if Mah-chow Wong had the opportunity of doing so.

Entries No. 64 and 65 are one and the same thing;—entry 64 being the heading of 65, which contains the number of Guns fired as salutes at the different places named, which are all trading ports on the Coast. It is quite a customary thing for trading Junks to fire these salutes, and it is customary also to keep an account of the number of Guns fired to shew the expenditure of powder, and this entry is doubtless intended for that purpose. The Chinese names specified in the entry are all names of *places* and not *persons*, and had the translator put the word *at* instead of "from," the entry would be intelligible, which in its present form it is not.

Most of the other entries in Mr. May's Memoranda have reference principally to tradal transactions and are such as would be found in the books of any Chinese shopkeeper in the Colony. It is difficult to say why Mr. May should have extracted them at all.

It was not however from any thing that appeared in Mr. May's Memoranda, that the Executive Council refused a pardon to Mah-chow Wong; but it was in consequence of the production of a paper alleged to have been found upon Beaver, which the Council considered shewed Mah-chow Wong's connection with pirates. This is what the Acting Colonial Secretary reports upon the occasion:

Mr. May's notes which have been taken through a Chinese Interpreter, did not agree with the report of Messrs. Caldwell and Mongan, and the books were therefore referred to Mr. Wade for further examination. However during the following week the Executive Council was relieved from further embarrassment on this subject. The *Deus ex machina* was a man by the name of Beaver, who being arrested for complicity with pirates, there were found on his person papers which proved in a tolerably clear manner some connexion

between Akee and the neighbouring Pirate gangs. The Council, therefore, resolved unanimously that the sentence of the Convict should not be interfered with. (Blue Book page 64.)

When Beaver was arrested (which I did myself personally) his person was searched, and a paper in Chinese was found upon him. This was shewn to me—I was the first person who read it after his arrest, and it proved his connection with Chu Akwei already referred to as being a Rebel leader and a Pirate. This paper was sent to the Police Office. Having a distinct recollection of that document, I can safely affirm that the translation made by Mr. Wade is certainly *not* the translation of *the paper which I saw*. The name *Mah-chow Wong*, I can state most positively and distinctly, did not occur in that document. Had it been there it would most certainly have attracted my attention. The paper found on Beaver made no mention of or reference to Mah-chow Wong. It spoke of a Wong-kee, a Keang-nan man, who, it said, was coming, or had come down, to carry out the rebel movements. The characters used were not only not the same characters which denote the name of Wong-Akee, but the fact of his being a Keang-nan man shewed that it could not have meant Mah-chow Wong, who is a man belonging to Sun-on, in the South of China, speaking an entirely different dialect.

Had the characters been those belonging to Mah-chow Wong's proper name, which are 王奇 and which I am well acquainted with, they would immediately have arrested my attention; but as they were 黃基 which are entirely different characters, I did not attach any importance to the fact of the characters being the same in sound.

Unfortunately neither the original of Mr. Wade's translation, nor the paper shewn to me, are now to be found. It is not for me to say how the one may have been changed, or the other lost; I make no charge against any one—I merely state the fact, and to shew the Council that this is no after thought, I copy here a statement of the same fact, made by me before the Commission of Inquiry in 1858.

I saw a Chinese document belonging to Beaver after his apprehension, at the Police Station. It was a kind of certificate from Chui Akwei the pirate chief, but who styled himself a Rebel, shewing that Beaver had been in his employ and mention was there made of a man Wong Kee with another as having come from Kong-nam (Keang-nan) I believe, to carry out the Rebel movements. I wish to state that the Wong Kee mentioned there was never intended for Mah-chow Wong. Both the characters were entirely different from his name,—the Wong was different and the Kee also, and the fact of his being a Keang-nan man made it the less likely, Mah-chow Wong being a Sun-on man. Mr. Wade may have gone by the sound not knowing perhaps the characters of Mah-chow Wong's name. [At this time I had not seen Mr. Wade's translation but only heard of it.] This was a red paper folded, I think four times—similar to the paper on which Petitions are written, but without the blue back to it. On casting my eyes over the document, this name Wong Kee made no impression on me at all, whereas had it been in the characters of Mah-chow Wong's name I should certainly have been attracted by them. This was the only paper produced as found on Beaver which I saw. (Pages 96 and 97.)

Mr. Murrow's 3rd charge against me—the one to which the Council have had their attention last directed, and which has occupied the larger portion of their time is:—

With having kept up a communication with the Pirate whilst in Gaol, and with having since his departure to Labuan taken a direct interest in his business.

I deny having "kept up" any communication with Mah-chow Wong except what I considered necessary in the course of my duty, and I deny altogether the second part of the charge of having taken an *active* interest (which I suppose is what Mr. Murrow means) in Mah-chow Wong's business after his departure to Labuan.

In reference to the first part of the charge, I will repeat here what I stated before the Commission of Inquiry in 1858, when a similar charge was made against me:—

Since Mah-chow Wong has been in Gaol I have never except in the presence of the Acting Colonial Secretary, or the Governor of the Gaol, or by order of the former, seen or spoken to Mah-chow Wong, with three exceptions, and these were as follows:—once for the purpose of ascertaining with certainty regarding his being committed for trial at the Supreme Court in 1847, when he was either acquitted or no bill found [to disprove an allegation that he had been convicted of receiving stolen goods] and twice while visiting the Gaol as Visiting Justice in my regular turn.

Mr. Inglis, who was Governor of the Gaol, during the greater part of the time that Mah-chow Wong was confined there, was cognizant of the number of times I visited the Gaol, and the object of my coming there. At the Inquiry in 1858 he stated:—

Information has been given to myself, to Mr. Caldwell and to Dr. Bridges by Mah-chow Wong since his conviction in many different cases. Only one case, which I can recollect, in which a man was actually arrested. The information has not invariably been through me in the first place. Mah-chow Wong has been sometimes up in my office and has given me information in the presence of Dr. Bridges and Mr. Caldwell

(he has also given me information personally in the Gaol) he has also, I rather think, given Mr. Caldwell information who has come for that purpose to the Gaol.

One of the cases which I went to the Gaol to obtain information about, was a foul murder that had been committed at Stanley upon the principal witness (and four members of his family), who gave evidence against the Stanley prisoners in the Treason case, but which Mr. May chose to say was a "*farce*" and that it was his "firm conviction" that no murder ever was committed of the man in question," simply because *he* was not entrusted (though the head of the Police) with the management and direction of the case.

Mr. Inglis, however, states (and he knew more about the case than Mr. May did.)

"Regarding the Stanley murder case, from the information which I received in Gaol, I feel *perfectly convinced* that a Murder has been committed. Mr. Caldwell received the information upon which he acted, from Mah-chow Wong in my presence, and in the presence of the Acting Colonial Secretary. I can give no reason for their coming down to make the inquiry beyond their anxiety to carry out the ends of justice,"—and, he might have added, because the Acting Colonial Secretary could not entrust the case to the hands of the Superintendent of Police, Mr. May.

I mention these instances to shew that my "communications" with Mah-chow Wong were not on private affairs, as Mr. Murrow no doubt means by his charge, though he does not state it; but in the performance of my official duties and, as Mr. Inglis says, to promote "the ends of justice."

The only evidence adduced by Mr. Murrow in support of this part of his charge is the statement of Mr. Scott, the Governor of the Gaol, who said that "no attempt was made by any member of Mr. Caldwell's family to hold communication with Mah-chow Wong whilst he was in Gaol, but *Assow*, a Lookong, (Chinese Police officer) came and said he wanted to have a private interview with Mah-chow Wong saying he was sent by Mrs. Caldwell."

This Lookong was not produced before the Council, and I do not know who he is. I had no Lookongs under my orders or connected with my Department. I have no doubt that Mr. Scott states what is correct, but Mrs. Caldwell denies ever having sent any person whatever to the Gaol to communicate with Mah-chow Wong, much less a Lookong; when, if she had anything to communicate to Mah-chow Wong, it might have been more safely done through me, who as a Justice of the Peace, was entitled to visit the Gaol and the Prisoners at any time.

It is impossible for me to say what object the Lookong had in wishing to see Mah-chow Wong, but it was by no means a strange circumstance that he should use my name to the Governor of the Gaol in endeavouring to effect his object; and I submit that the mere fact of his so doing is no proof that he was sent by me or by any member of my family.

In support of the second part of this charge Mr. Murrow has produced before the Council a Convict from the Gaol of the name of *Shum Ahing* now undergoing his sentence of imprisonment of four years for manstealing for the Havannah Coolie Traffic,—an offence of an almost kindred character with the one for which Mr. Murrow was prosecuted in 1857, which is a singular coincidence, and still more so when it is considered that both prosecutions were brought about by my means.

The circumstances of Mr. Murrow's case have already been narrated; those connected with the Convict *Shum Ahing's* case are as follow:—

In the month of December 1859 one hundred and twenty Chinese arrived in Hong-kong from Cup-chi under the guidance and management of five head men in search of a vessel (said to be at Macao) to proceed to Singapore and Penang, to which places they intended to emigrate in search of employment. After having been transferred to a Macao passage boat, the five head men were arrested by the Police here on suspicion of an intention to deceive the 120 men, whom it was supposed they intended to hand over to the Macao Barracoons.

The whole party were detained here several days, the five head men were forwarded to the Canton Authorities, and the 120 emigrants were thus left destitute in a place to which they were strangers, and entirely without means. At this juncture, *Shum*

Ahing and Koo Aye, one of the Police Interpreters, (who absconded immediately he heard of Shum Ahing's arrest) proposed to these unfortunate men to take them under their care and send them back to their native place. They only too readily accepted this offer and they were accordingly quartered in Shum Ahing's house. Having informed them that he had procured the means of sending them home, Shum Ahing put the whole 120 men on board of two boats, 45 being in one boat, and the remainder in another, and they left Hongkong.—Shum Ahing himself being in the boat with the 45 men. The next night these 45 men found themselves at Macao, where they were landed, and taken to a large house. The next morning to their amazement and grief, they found that they were in a Coolie Barracoon detained as Coolies deprived of their liberty and closely watched and guarded! One of them, however, a youth of the age of 19 years, named 'Ng Asoong, after some days, made his escape and came over to Hongkong. He was brought to me, and upon his information, I apprehended the man Shum Ahing (who had returned to Hongkong) and a shopman of his, and having brought the facts to the notice of the Government, I was sent to Macao by His Excellency, to endeavour to effect the release of the other 44 captives. I succeeded in releasing only five, 39 others having been already shipped on board the ship *Emelie Pereire* as coolies for Cuba, which vessel left Macao for her destination on the very day of my arrival. I prosecuted Shum Ahing and his shopman for the kidnapping—there being no evidence against the latter he was discharged at the Police Court. Shum Ahing was tried and convicted, and is still in Gaol undergoing his sentence of imprisonment. *

Just about the time of the publication of His Excellency The Governor's notice in the *Gazette* for the Inquiry into the alleged civil service abuses, Mr. William Tarrant was a fellow prisoner with Shum Ahing in the same Gaol for a Libel on Colonel Caine. Through the medium of Mr. Tarrant (whose hostility to me will be found recorded in the pages of the "Friend of China" newspaper of which he is Editor) Shum Ahing was introduced to the notice of my accuser, Mr. Murrow, and by Mr. Tarrant's inducement Shum Ahing drew up some statement of grievances in Chinese which was furnished to Mr. Murrow, who, finding that this man entertained no good feeling towards me, for having been instrumental in his conviction, and learning that he had been committed for trial at the Supreme Court with Mah-chow Wong, that in fact he was the manager of the Hong which confederated with the pirates, with which Hong, Mah-chow Wong was supposed to be connected, he, Mr. Murrow, imagined he should find in Shum Ahing a fit and willing instrument, and of whom he could make good use, in prosecuting his charges against me, particularly the one now under review.

That a hope of pardon has been held out to the man if he would give evidence leading to my dismissal, is clear from his own statement before the Council. He says "that he had been told that by coming before the Council and giving evidence against Mr. Caldwell he would obtain a pardon." (Page 35.)

Mr. Murrow himself has told the Council that he had been induced by Mr. Tarrant's representations to draw up a Petition for Shum Ahing to the Government praying for a pardon; but that after hearing some of his statements, he felt convinced of his guilt, and therefore wished to withdraw from it.

However this may be, there is no doubt that Shum Ahing, during the whole time he was giving evidence against me before the Council, making those sweeping statements, involving charge upon charge of the grossest corruption, malversation and misfeasance of office fraud and complicity in crimes of the deepest character against me (to which I doubt not the Council felt it their duty to listen though I cannot insult their understanding by supposing that they gave credence to them) I say, during the whole of the time that he was making these improbable statements, encouraged as he was to do so, he was under the hope and belief that his doing so would ultimately lead to his pardon.

Fortunately for me, in his desire to render the service which he supposed was required of him, and which he believed would eventuate in his pardon, he has contradicted himself so often, and uttered such gross improbabilities, that I feel it to be almost superfluous for me to do more than merely refer to them. Indeed I might almost rest satisfied with the declarations made by my accuser himself, that he does not believe the man—that his object in bringing him forward against me was more of a tentative than a positive nature—and that he did not so much rely on the evidence he actually gave himself as he did on the chance of his indicating *where* evidence against me might be looked for.

* See Correspondence published in the Supplement to "China Mail" of the 30th March, 1860, in the addenda.

In justice to myself however, but more particularly to my wife, whose name has been most unwarrantably introduced by this artful convict in his inventions and barefaced falsehoods, I shall apply myself to the task of dissecting his evidence—shewing his own contradictions and prevarications—shewing where he has been flatly contradicted by disinterested and respectable witnesses, and demonstrating the violent improbability of his other allegations, which it may not be possible in the absence of witnesses, to refute by direct evidence.

I shall endeavour to do this as succinctly as I can, because the task must necessarily be a lengthy one from the number of his falsehoods and contradictions.

Shum Ahing states a falsehood almost in the very first sentence he utters. He said in answer to the first question put to him that “He was head of the Kwong-yik-loong Hong from the 20th day of the 4th moon of the 7th year of Hien-fung until Mah-chow Wong’s affair broke out.” (Page 27.)

Now he was not in Hongkong at this time for, according to his own statement made some weeks afterwards (page 48) he did not arrive in Hongkong until the 1st day of the 5th moon.

Had arrived in Hongkong on the 1st day of the 5th moon. The Hong was opened in the 4th month of 7th year.

The name of this Hong, according to Shum Ahing’s statement, appears to have been twice changed. It was first named *Kwong-yik-loong*—then changed to *Kum-yu-loong* and afterwards changed to *Kwong-fook*.

He states in the same page (27) that—

Mah-chow Wong never had a share in the Kwong-yik-loong Hong nor any interest in it, nor ever received money from it. Mah-chow Wong occasionally had a boat consigned to him, and put his goods in the Hong, that was his only connection with the Hong.

If this was true Mah-chow Wong has been most wrongfully convicted. It was because of his alleged partnership in this Hong, which had been proved to have confederated with pirates, that Mah-chow Wong was convicted. Mr. May said Mah-chow Wong was the owner, head partner, and manager of that Hong, Shum Ahing says that *he* (Shum Ahing) was the head of the Hong and that Mah-chow Wong “never had a share in it nor any interest in it nor ever received money from it.”—Who is to be believed, Mr. May or Shum Ahing? Both cannot be right as they directly contradict each other. But I believe, in this instance, Shum Ahing’s statement is the true one as far as Mah-chow Wong was concerned; for he had neither capital nor interest in the Hong as a partner, but was promised by the proprietors a fifth of the profits if he would give his assistance in case of difficulty to Shum Ahing who was the managing clerk of the Hong, and was a stranger and inexperienced in the place, the Hong itself being the property of Wong Achaong, and the goods and capital in it being the property of Wong Achaong and the Cup-chi firm of Le-yu-hop, of which See-ko and his brother ’Ng-lo-yeh were partners.

It is worthy of note here that Shum Ahing, who declares he was the *head* of the Hong, who managed the whole of its business, who lived and slept in the Hong, and who was the person who actually managed the transaction with the Pirate boat referred to in the Depositions, should not have been committed and tried with Mah-chow Wong; whilst Mah-chow Wong, who, Shum Ahing declares, was not a partner in the Hong, had no interest in it, and had never received money from it, who did not live in the Hong, but in his own private house in the Market, and who took no part in the particular transaction referred to in the Depositions, should have been convicted!

In the written statement drawn up by Shum Ahing in Gaol at the instance of Mr. Tarrant, by him furnished to Mr. Murrow, and by Mr. Murrow produced before the Council, Shum Ahing states that “The *Kwong-fook* Hong was named *Kum-yu-loong* before; and Mah-chow Wong’s wife had a share of it, and the shop was built by Mah-chow Wong himself and for the *Kwong-fook* Hong I have paid \$2,500 to Mah-chow Wong’s wife.”

In his evidence before the Council at page 27 he states that “he had *never* said that “Mah-chow Wong built the Hong nor had he ever written it.”

Again as to this written statement Shum Ahing says at page 27.—

• “When in Gaol had never written down a statement of these things but had requested his nephew to do so.” The paper *was not written in Gaol*. He asked his Brother to write it and told him what to say. At page 30 he states that “he never sent any papers *from the Gaol*,” alluding to the written statement furnished to Mr. Murrow.

Now, Mr. Wong Ashing, Mr. Murrow’s translator, stated that the paper of Shum Ahing’s given to him by Mr. Murrow for translation was not the paper which was produced before the Council. That was only a copy. The statement which he translated, was written upon leaves torn out of *religious tracts furnished to the prisoners in Gaol* and he stated that he was satisfied from this circumstance, and from the appearance of the writing &c. *that it must have been written in Gaol*—and there cannot be a doubt that it was, and that Shum Ahing’s statement that it was written out of Gaol by his nephew and that he had never sent any papers from the Gaol, was false.

The statements made by Shum Ahing in page 28, of Mrs. Caldwell’s interference in the matters of the Hong, receiving money for Mah-chow Wong’s wife, paying money on her account, transacting all business connected with Mah-chow Wong’s affairs—applying for, obtaining and keeping the books of the Hong and other statements of the like nature, in which the name of my wife occurs, are all equally false; they have been denied in an affidavit solemnly declared to in due form of law by Mrs. Caldwell and now in the hands of the Council, and these statements are contradicted also by the evidence of Mah-chow Wong’s wife as also by Mah-chow Wong’s wife’s servant, persons referred to by Shum Ahing himself.

At page 28 Shum Ahing states—“He had never got the books back—heard *they had been taken to Mr. Caldwell’s*—(witness corrected himself) had got back 4 or 5 books on application to Mr. Grand-Pré. He took the books he got back to Mrs. Caldwell,—“was desired to do so by Mah-chow Wong’s wife’s servant *who said* there were entries in them relating to Mah-chow Wong.” Mah-chow Wong’s wife’s servant was produced before the Council, and denied that she was ever sent by Mrs. Caldwell for the books, denied that she ever told Shum Ahing to take the books to Mrs. Caldwell, and denied that she ever said there were entries in them relating to Mah-chow Wong. Surely Shum Ahing must have known himself whether or not there were entries in the books relating to Mah-chow Wong without being told so by Mah-chow Wong’s wife’s servant. He says further “Mrs. Caldwell told him they wanted to examine the books as they “were afraid there might be something in them which referred to Mah-chow Wong’s “connection with the Cup-chi people.”

Shum Ahing has already said that Mah-chow Wong was not a partner in the Hong, had no interest in them and had never received any money from them, how therefore could there be any entries in the books of those Hong relating to Mah-chow Wong? and why should Mrs. Caldwell be afraid that there might be something in them which referred to Mah-chow Wong’s connection with the Cup-chi people if, as he says, Mah-chow Wong had no connection with the Hong? or why, if Mah-chow Wong was not a partner, had no interest in the Hong and never received money from them, should Mrs. Caldwell interest herself at all about the books of the Hong supposing it to be true, as Shum Ahing states, that she transacted all Mah-chow Wong’s business after his conviction?

Shum Ahing further states that after his release he petitioned for the return of the books because the business of the Hong could not be carried on without them, and yet immediately after getting the books back he states that he gave them up to Mrs. Caldwell and never got them back, but the business of the Hong went on nevertheless without them.

If it be true, as Shum Ahing states, that Mah-chow Wong’s wife had a share in the *Kum-yu-loong* Hong, which he says was after Mah-chow Wong’s conviction, and that Mrs. Caldwell managed *all* Mah-chow Wong’s business at that time, it surely must have been the height of folly in Mrs. Caldwell to withhold those books from the Hong, and thus jeopardise the interests of the persons whose affairs it is alleged she was managing.

At page 28 Shum Ahing states that—

On the 12th moon of last year Mah-chow Wong’s wife sent her Brother-in-law to him to borrow \$500 which he refused to lend, and in consequence Su-kwong-choi, the brother-in-law, got up the charge of kidnapping against witness on which he was convicted, and for which he was now undergoing imprisonment.

As there cannot be a doubt of Shum Ahing's guilt on the charge for which he is now undergoing his imprisonment, the above statement can only be looked upon as a pure invention. Not only was the evidence most clear and unimpeached, but the man admitted himself on his trial that the men were sold to the Macao Barracoons. I give Shum Ahing's own statement in extenso made in his defence before the Magistrate:—

I am the master of the Kwong-fook Hong. I have been in this Colony as a trader for 13 years. On the 16th December last a man named See-pong, the master of the Cup-chi passage boat, took 125 men to my Hong, and begged me as a favor to allow those men to stay there for a few days for which he would pay me 10 Taels of Silver per diem subsistence money until his boat was ready to carry them back to Cup-chi. On the 22nd December the same man took 75 of the 125 out of my Hong on board his boat, and carried them *I believe* to Cup-chi; this draft left 42 in my Hong. At the request of 'Ng Attuck the complainant against me and Chui-yaong-fan, the two coolie brokers in the case, I gave them up the 42 men and they put them on board to go to Macao; that was on the 25th; *I accompanied them myself*; our object was to see if any one there would advance money to enable these 42 to go "to Betelnut Strait," and the broker's charges and my claim for their subsistence. As they could not find any one to advance the money *the brokers were compelled to sell them to the "Sun-fook-tye" Barracoon*; they, the 42, were all taken before the Macao authorities, accompanied by the Barracoon master. I did not go. *I remained at the Barracoon*. The brokers informed me when the men came back that they were all willing to go. I don't know how much the broker got for the 42. I received \$163, being my claim for subsisting them here; this was my claim against the whole 125 for mere maintenance. In addition to which I advanced the Kup-chee Captain 30 Taels for the passage money home of the 75. Eight of the original batch ran away here. 'Ng Attuck, the broker, gave his brother (the complainant against me) \$30 to take home to Kup-chee; that money was part proceeds of the coolies. It was arranged that he, the present complainant, should come over here to take service with me; instead of that he remained behind at Macao, and spent the money at brothels and gaming tables. He came over here destitute and begged me to lend him \$30, which I refused. He therefore accused me of being concerned in selling the coolies.

And Mr. Murrow himself, whose interest it would be, in this prosecution against me, to assert, even if he could not prove, the man's innocence, has more than once declared that he has no doubt of his guilt. Mr. Murrow admits this as recently as the 19th instant, for in his paper of that date he says:—

As for Sum Ahing—most certainly we found out from his own statement, that he took the victims to Macao for the purpose of selling them to the Cubans. As in his statement he denied this, but said he had sent all to Singapore except ten, he doubtless deceived the victims as well as us. Of a certainty the whole went to Havana.

Shum Ahing never made the slightest allusion to this affair of the \$500 and the got up charge of kidnapping, either in his examination before the Magistrate or in his defence at his trial before the Supreme Court, and he only puts it forward now in the hope of its assisting him in obtaining his expected pardon.

He next says at the same page:—

Witness had not the accounts of the Hong as after he was arrested Mr. Caldwell came with a Policeman and carried away all the account books, papers and other things from the Kwong-fook Hong which was then in charge of Assam, Ahang, and Akoey.

A greater falsehood was never uttered. It is true, in this instance, he lays the onus of the falsehood on the shoulders of his brother Assam, who he said, told him so; but he calls neither Assam, Ahung, nor Akoey to prove it, and excuses himself by saying that he did not know where they were to be found.

After Shum Ahing's arrest on the charge of kidnapping the people left in charge of the Hong absconded. The Hong was in arrears of rent. Assow, the agent of the mortgagee levied a distress upon the property which was sold off. Mr. Martin was the bailiff employed to carry out the distress. Mr. Martin left Hongkong before I commenced making my defence at the Council board, and as he would not be here to be examined I wrote a letter to him before he left, on the subject, a copy of which, together with his answer, I now hand in.

Dear Sir,—Having ascertained that some time in the month of February last you took possession of and subsequently disposed of by public Auction under authority of the mortgagee the property belonging to a Chinese Hong called the Kwong-fook No. 189 and 190 situated at the Western extremity of Bonham Strand Street,—I will feel obliged, in order to enable me to make use of your reply (as I hear that you are likely to be absent from the Colony for a time) to state:—

- 1st. Whether from first to last of your action in the above matter I had any connection therewith.
- 2nd. Whether I in any way interested myself therein.
- 3rd. Whether I was ever present at the Hong when you were there.
- 4th. Whether you were ever informed by others that I had been there at any time.
- 5th. Whether I ever communicated with you in any way in reference to this business.

I will feel obliged if you will answer each of these questions separately. (Dated 10th October, 1860.)

Mr. Martin's reply was as follows:—

In reply to your Letter of to-day's date inquiring into a certain sale of goods sold under distress for house rent by order and authority of Mr. Assow in the Surveyor General's department I beg to say—

1st. The houses in which the property was sold were tenements Nos. 189 & 190 Bonham Strand. I had my orders from Assow and from 1st to last I knew nothing of you in the matter.

2nd. To your second question my answer is the same as to the first. I knew nothing of you in the affair.

3rd. I never saw you at the house nor in any place near it.

4th. I was never informed by any body that you had been there.

5th. My answer cannot be otherwise than to your first and second questions. I never knew you in the affair and never received any communication from you regarding the same.

Should these answers not be clear enough I will be back again in about six weeks or two months when I will be happy to answer The Honorable Committee any question they propose to put.

It will be seen from this what little truth there is in Shum Ahing's statement that I went personally with a policeman and took away the books. But the fact is I never went to this shop after Shum Ahing's arrest nor indeed for fully two years previous to it.

At page 29 of the minutes Shum Ahing makes the following statement:—

Witness' brother in Kup-chee was a great friend of Mah-chow Wong's and when the other brother came here Mah-chow Wong was requested to assist him, he being a green hand. *Mah-chow Wong had a share in the Kwong-[Kum] yu-loong Hong* when it was established.

At page 28 again, he declares quite the contrary. He says there:—

Mah-chow Wong had no interest or share in *any* of the Hongs, but witness' brother See-ko took pity on Mah-chow Wong's wife after Mah-chow Wong's transportation and gave her a share in the Kum-yu-loong Hong. He gave her one-third share of both capital and profit.

See-ko, who was afterwards called, denied this. He also denied the statement made by Shum Ahing that \$1,800 was afterwards paid to Mah-chow Wong's wife for her share in the Kum-yu-loong Hong.

Shum Ahing states at page 48 that See-ko gave him the *order* to give Mah-chow Wong's wife a one-third share in the capital and profits of the [Kum-yu-loong] Hong in the *5th month of the 7th year*. He had stated previously (page 28) that his brother "See-ko took pity on Mah-chow Wong's wife *after Mah-chow Wong's transportation* and "gave her a share in the Kum-yu-loong Hong. He gave her one-third share of both "capital and profit." Now Mah-chow Wong was convicted in the month of September 1857, and he was not transported until the month of December 1858,—and yet he states he received See-ko's order for the one-third share to be given to Mah-chow Wong's wife in the *5th month of the 7th year* which was in May and June, 1857 *before* Mah-chow Wong was convicted and when there was no reason whatever for the bestowal of See-ko's pity on Mah-chow Wong's wife, her husband being then at large and in easy circumstances. How are these conflicting statements to be reconciled? But they are both absolutely false, as See-ko, who was afterwards called, denied ever having given Mah-chow Wong's wife any share whatever in the Hong.

Besides, if Shum Ahing's statement be true that the Hong belonged to himself and his brother See-ko, he must have given up a part of *his own* share of the capital and profits in the one-third share which he states was thus made over to Mah-chow Wong's wife. Was it likely that he would do this after the "treacherous" manner in which Mah-chow Wong had behaved towards him as will be seen presently?

See-ko, however, declares that Shum Ahing had no share whatever in the Hong, but was merely a paid clerk, and this is corroborated by Shum Ahing himself who states at page 48 that "See-ko was the *master* and paid *all* the money;" and in stating above that See-ko "gave him the *order*" to make over a third share to Mah-chow Wong's wife ("being the master when he received the order as to Mah-chow Wong's wife he *obeyed* it," page 48) shews the capacity in which he must have considered himself in relation to See-ko.

With respect to the claim Shum Ahing puts forward to the house and ground in which the business of the Hong was carried on, I think it must be clear to the mind of any unprejudiced person who heard the statements made by himself and those of the witnesses who contradicted him, that his pretended claim to this property was as great a fiction as the whole of his other allegations.

His first statement with respect to the ownership of these premises is as follows:—
(page 27.)

The Hong was built with the money provided by the Kup-chee men. By the term Kup-chee men he means the firm of Sum-yun-lee, the principal of which was his brother See-ko.

Again at page 29 he states:—

The House belonged to *witness* and his brother [See-ko] and Wong Achaong was endeavoring to get a share of it—it was worth about \$4,000—the ground also belonged to *witness* and his brother—they bought it from Chu Alook. [Tung Alook.]

In a further part of his statement he says:—

Witness paid above \$800 for the land to Tung Alook, and also \$3,000 for the building of the Hong. These Sums were paid by witness and his brother [See-ko.]

Further on at page 30 he states:—

Witness paid the \$800 for the purchase of the land with his own hand to Mah-chow Wong and Mah-chow Wong paid it to Tung Alook. Mah-chow Wong managed the whole matter for him. Tung Alook had told him he had bought the land.

The Council thereupon sent for Tung Alook and examined him as to the sale of the ground. Tung Alook was evidently alarmed at being sent for by the Council, and gave his evidence as if he was under some apprehension of criminating himself by his answers with reference to Mah-chow Wong and this ground. His answers were consequently somewhat contradictory, but there was no doubt that his meaning was, that in selling that Lot of ground he dealt with Mah-chow Wong and no one else—that Mah-chow Wong made the bargain and paid the money, and that at Mah-chow Wong's request the transfer was made out in the name of Wong Achaong, but who Wong Achaong was he did not know. He says distinctly, however, that he "never told Shum Ahing that *he* was the owner," and he said also that he "never had any communication with Shum Ahing about the purchase,"—(page 30), thus far contradicting Shum Ahing's statement.

On a subsequent examination (page 42) Tung Alook stated:—

"Before the sale of the land he, Tung Alok, owed Mr. Stace \$500, and it was agreed that Wong should take upon himself the debt, which was due from witness,"—and this is confirmed by the following entry which appears in Mr. May's Memoranda of extracts from Mah-chow Wong's books:—

"An account of 400 dollars, purporting to have been borrowed from Mr. Stace by Wong Achaong, for which Mr. Stace is security, September 1856." Tung Alok went on to state that,— "He received the *balance* of the money \$300 in Wong's house *in the market* in two payments, once \$200 and once \$100," thus contradicting Shum Ahing's statement that "he paid the \$800 for the purchase of the land *with his own hand* to Mah-chow Wong, and Mah-chow Wong paid it to Tung Alok."

But the simple facts of the much vexed question of the ownership of this property, in the investigation of which so much of the Council's time has been occupied, which has been complicated by the falsehoods of Shum Ahing, and mystified by the comments and observations of Mr. Murrow, who made the most of the perplexity in which he found the Council involved, are these:—

Wong Achaong, a Swatow trader, was desirous of establishing a branch of his business in Hongkong. He purchased in 1856, through Mah-chow Wong, Section *D* of Lot No. 83, and built upon it. In partnership with Lee-chuk-leong, the fifth brother of See-ko, of Kup-chee—(the person who Shum Ahing calls his *brother*) the head of the Lee-yu-hop Hong of that place, they opened business in the Hong some time in the month of May 1857.

Mah-chow Wong, a clansman of Wong Achaong, negotiated the purchase of the Lot of ground with Tung Alok, the assignment was made out in Wong Achaong's name and I was a witness to Wong Achaong's execution of the Deed.

Upon the bare assertion of Shum Ahing that he knew no such person as Wong Achaong, and that the only person he knew of that name was a son of Mah-chow Wong and this was a little boy, the existence of the Swatow man of that name, the owner of

the premises, has been altogether doubted, and the onus of proving his existence has been thrown upon me simply because of the accidental circumstance of my being a witness to his signature in the assignment.

This was a matter of some difficulty to me, as though I knew the man, and recollected the circumstance of his executing the assignment, yet, as he did not belong to the Colony, and as he was not often in the habit of coming to Hongkong, and then only remaining a short time on his way through in his Junks, it was not likely he would be known to many persons out of his Hong.

But it is necessary in the first place, to test a little further the statement of Shum Ahing that the house and ground *belonged to him and his brother See-ko*.

He says at page 29:—"The house belonged to witness and his brother, and Wong Achaong [a boy of 7 or 8 years of age] was endeavouring to get a share of it—it was worth about \$4,000. The ground also belonged to witness, they bought it from Tung Alok—not knowing the forms of business in the Colony, asked Mah-chow Wong to arrange the matter for him and he, Mah-chow Wong, registered the lot in Wong Achaong's name. This was done through the *treachery* of Mah-chow Wong of which witness was not at the time aware." "Witness only ascertained that the land was registered in Wong Achaong's name by sending his clerk to inquire at the Land Office afterwards, but did not know it at first."

This is *his* statement of the circumstances under which the lot of ground was registered in the name of Wong Achaong, and which he lays at the door of Mah-chow Wong's "treachery."

But what does he do when he discovers this treachery by a reference to the Land Office? Does he go to Mah-chow Wong, and accuse him of having registered the ground in his son's name, and cheating him and his brother See-ko out of it? Does he take any steps to recover back his property—worth as he says upwards of \$4,000? Does he write to his brother See-ko and inform him of Mah-chow Wong's "treachery" in thus depriving him of so valuable a property? Does he take any steps whatever to recover back his rights? No. He quietly acquiesces in the spoliation, allows his ground to remain registered in the name of Wong Achaong and instead of calling Mah-chow Wong to account for the fraud committed upon him, he rewards his treachery by bestowing upon his wife a one-third share in the capital and profits of the Hong, and shortly after as will be seen buys her out again for the sum of \$1,800, which amount he does not hold in his hands as some set off against the husband's fraud, but actually pays the same to her in hard cash notwithstanding that (according to his own statement) she held the house in right of her son, which the Father had cheated him out of!

It is impossible for any one to believe that a man like Shum Ahing, who says he has been 13 years in the Colony (see his statement before the Magistrate) who has shewn so much intelligence, art and cunning in the manner in which he has been able out of the circumstance of his connection with Mah-chow Wong to invent a series of accusations against myself, should have acted in a manner so unaccountable and so irreconcilable with the acuteness he has usually displayed in his examinations at this Inquiry. There is but one way of accounting for it, and that is, that the whole statement is a fabrication.

See-ko whom Shum Ahing has so often referred to in the course of his evidence, and whom he called his brother, was brought down by me from Kup-chee on purpose to give evidence at the Inquiry. He is an elderly man—retired from business—is a man of independent means—holds Mandarin rank in his District and is much respected there. He has contradicted Shum Ahing in nearly the whole of his statements. After he had given evidence some time before the Council Shum Ahing was sent for to be confronted with him. So little did Shum Ahing ever expect to see *See-ko* in Hongkong and especially in a place where he had been telling so many falsehoods about him, that he was perfectly confounded when he saw the old gentleman in the presence of the Council. If the Council were failed to be struck with the remarkable demeanor of Shum Ahing at that moment, and the guilt and confusion depicted in his countenance and manner—nothing that I can say nor any amount of evidence that I could bring would convince them of his untrustworthiness. There is on the minutes a slight allusion to the discomposure evinced by Shum Ahing at the sight of See-ko; but the Council could not have failed to remark his confusion and amazement, which was so great that it was some time before he could even answer the question put to him if he knew the man before

him. He did not know what to say—he put on a look of pretended ignorance, and at last replied in the negative, which called forth the observation from See-ko of, “what Shum Ahing! don’t know me?” It was then only, when he found it would be of no use in denying it, although he saw in his admission and the old man’s presence there, the whole fabric of inventions he had built up crumbling to pieces;—it was then only that he admitted he knew the man whom he had all along stated was his brother! His excuse was that his eye sight had become dim since his imprisonment, and he qualified his relationship by saying that he was his *adopted* brother.

See-ko was two whole days under examination. He was subjected to the most severe and rigorous examination by the Council, the object of which evidently was not so much to elicit the truth from him as catch him in an untruth. Notwithstanding that the old man had been nearly all his life living in his native district, and had but seldom had any intercourse with Europeans, and knew nothing of their customs, he successfully resisted all the attempts made to shake him, and gave a most consistent statement, having the appearance of truth upon the face of it, and completely refuting the allegations made by the Convict Shum Ahing.

Shum Ahing had stated that the Kwong-yik-loong Hong belonged to See-ko and himself. See-ko states that the Hong was established by Wong Achaong the Swatow man, and See-ko’s *fifth* brother Lee-chuk-chee. His statement is as follows:—“His fifth brother came to this Colony with a man named Wong Achaong in the 2nd moon of the 7th year (March, 1857.) The man named Wong Achaong had met his fifth brother at Swatow and told him that he had a Hong in Hongkong and asked him to join with him in doing business there. His fifth brother had replied that if a large sum of money was required, then he must apply to his fourth brother (the witness) who was the monied man of the family. Wong Achaong said \$2,000 would be sufficient to enable the fifth brother to become a partner.” “He found the money, \$2,000. Wong Achaong had told his fifth brother that he had a man of his own clan in Hongkong named Wong Akee [Mah-chow Wong] a well known man who had no money, but who would, for a share of the profits, see that every thing was done all proper. They commenced doing business with a capital of \$4,000 in the 6th (the 4th moon was what he stated) moon of the 7th year.”

This is the statement of the very person (See-ko) whom Shum Ahing declared was the joint owner of the Hong with himself—who is no way interested in this inquiry—who has put himself to some personal inconvenience by coming down here, he being an old man and having nothing in Hongkong to induce him to leave his home, and who never would have come had I not stopped at Kup-chee on my way to Swatow in search of Wong Achaong. Now I would ask the simple question, which of these two men is the one most entitled to credit—a Convict undergoing a sentence of imprisonment who hopes to be pardoned and who believes that by making statements exculpating himself and inculpating others, he *will* be pardoned—who has contradicted himself in several parts of his statements and has been contradicted in others by the evidence of other witnesses or an independent and disinterested man holding a position of rank and respectability in his district, who possesses wealth and honor—who has nothing to lose or gain in any statements he may make at this Inquiry and who leaves his home and family at some personal inconvenience to himself to state what he knows of the matters referred to in Shum Ahing’s evidence?

This is what See-ko says of Shum Ahing himself.—

“Knew a man of the name of Shum Ahing but was no relation of his.” “The man Shum Ahing, who had no business in Kup-chee, had come to witness and begged of him to employ him as his Agent in Hongkong. He refused because he knew that Shum Ahing was not a proper man. Shum Ahing then came to Hongkong and told Wong Akee and Wong Achaong that he had been sent by witness to take charge.” “Had never consented to Shum Ahing’s employment and as soon as ever he heard that he was acting as his Agent he had sent down Lum, his sister’s son, as a check upon him.” The appointment of Lum is confirmed by an admission of Shum Ahing himself—he says at page 56—“Ng-lo-yeh came down with Lum nephew to See-ko. Lum was the clerk who had been in the Hong and who returned to Kup-chee after Mah-chow Wong’s arrest.”

In contradiction of Shum Ahing’s statement that,—“The Hong was built with the money provided by the Kup-chee men meaning the firm of *Sum-yun-lee*, the principal of which was his brother See-ko.”

See-ko states,—“The money for the building of the Hong and for the purchase of the land *was not paid by him*. Wong Achaong had told his fifth brother that the land was his own, and that he had built the Hong.” Again:—“Wong Achaong had told his fifth brother that he had a piece of land in Hongkong, and either had built or was going to build a Hong upon it. Had told his fifth brother so when he wanted him to become a partner. Wong Achaong made no definite arrangement as to the rent, but said it could be settled between them when they had ascertained the extent of the business and the profits of the Hong.”

In the above statement of See-ko he entirely disclaims all ownership to a very valuable property. If it was true as Shum Ahing states, that these premises belonged to See-ko and himself the money for which had been sent down by See-ko from Kup-chee, is it likely that See-ko would thus publicly deny his interest in them, and renounce all claim to them? *He* cannot be affected by this Inquiry in any way, and therefore *he* can have no motive in voluntarily disclaiming his right to a property worth at the present time at least \$6,000 with an incumbrance of only about \$2,800 upon it.

Again, if as Shum Ahing states, the ground had really been purchased, and the Hong built with See-ko's money, would not See-ko have taken *some* interest in the premises all this time? would he have quietly submitted to the fraud which Shum Ahing states Mah-chow Wong practised upon him of registering his ground in the name of Mah-chow Wong's son instead of in See-ko's name or in the names of See-ko and Shum Ahing the rightful owners according to Shum Ahing's evidence?

If See-ko was afraid to do this when Mah-chow Wong was here, would he not have made an effort to get back his property after Mah-chow Wong had been transported and when there was no one to oppose him but Mah-chow Wong's wife and son a boy of 8 years?

If the property had been purchased and built with See-ko's money as Shum Ahing states, and that through Mah-chow Wong's "treachery" it had been placed in the name of Mah-chow Wong's son; would not See-ko have availed himself of the excellent opportunity he had, when he was under examination before the Council, when the *title* to this very property was one of the subjects under investigation, to have asserted his rights and his claim to it instead of denying having any interest in it?

It appears to me to be almost unnecessary to press this subject further, but there is one other circumstance which affords additional evidence of Shum Ahing's falsehood.

During one of Wong Achaong's visits to Hongkong (January 1858) he had borrowed \$2,000 from a man named *Low Ashu*, and mortgaged the premises in question as security for its repayment. The interest of this loan was \$2 per cent per mensem, and it was to be paid out of the rent of the Hong, which, according to the evidence of the accountant Ching Ayun, was fixed at \$50 per month by Wong Achaong, the landlord, when he and 'Ng-lo-yeh closed their business in the Hong, and when Shum Ahing agreed to continue business in it on his own account.

Low Ashu, who is a man of wealth and respectability, formerly Comprador to Messrs. Williams, Anthon & Co., and who has retired from business, came over from Macao, where he resides, and gave evidence before the Council as to the fact of the loan and mortgage, whilst Assow, who is overseer of Roads in Hongkong, proved the collection of the rent. *Assow* stated: "Low Ashu told him to collect rent from the Cum-yu-loong Hong [Shum Ahing's Hong] as he had lent \$2,000 to Wong Achaong and was to receive the rent as interest. The rent was \$50 per month. The interest was 2 per cent per month or \$40." "Low Ashu gave him the book and told him to collect the rent. *He did so from Shum Ahing who paid all proper for some months* and then fell into arrears until at last he owed \$800. Shum Ahing paid in all \$400 which settled for 8 months. In January last 16 months' rent was due. Had no proof of the payments except the book produced, *which bore the seal of the Kum-yu-loong Hong on the back, and Shum Ahing's shop seal on the payments.*" What better proof could be required.

Of course Shum Ahing denied all this—had he admitted it all his previous statements about the premises being his and his brother See-ko's must have fallen through, and he endeavoured to account for his payments to Assow by the improbable circumstance of his being told by my wife that Soo-she, the wife of Mah-chow Wong, owed

Low Ashu some money and that he was to pay the interest on it and charge it to Sooshe's account!

Not only does Assow declare that this \$50 a month was paid to him by Shum Ahing as rent for the shop, but the book produced by Assow bearing Shum Ahing's shop seal, to each monthly payment, is the regular rent book customarily used by Chinese in the collection of rents, the one in question having been given by Shum Ahing himself to Low Ashu with the seal of the Hong affixed to the back of it. Ching Ayun, the *accountant*, of Shum Ahing's hong stated in his evidence: "Shum Ahing ordered him to write out a rent book to pay \$50 a month to Low Ashu."

If the premises belonged to himself and his brother See-ko, as he says, would he have paid rent for them? and yet that he did pay the rent of \$50 (the interest was only \$40) per month there is his own seal affixed by himself to the different monthly payments in the hands of the Collector.

The only proper solution of the circumstance is that he knew of Wong Achaong's mortgage of the premises, and that as the premises belonged to Wong Achaong and not to himself and See-ko, he paid the rent to the Mortgagee as Tenant to Wong Achaong, when he commenced business in them on his own account as stated by the accountant.

It appeared to the Council to be a matter for surprise that Low Ashu should have allowed the rent of the premises to get into 16 months arrears; but a little consideration will shew that is not so strange as, at first sight, it may appear to be. Shum Ahing paid pretty regularly for the first few months, afterwards became irregular and eventually under various pretexts did not pay at all. Assow informed Low Ashu of this, but the latter, knowing that the property he held in mortgage was ample security for twice the amount advanced upon it, and not needing the interest never took measures to enforce payment of the rent even if he possessed the power to do so. He was expecting Wong Achaong down and he was well content to let the matter lie over until his arrival.

It must be remembered also that Low Ashu was not a *Landlord* dealing with a defaulting *Tenant*, but a Mortgagee collecting his *interest*. It was doubtful if he had the power to distrain for the rent—certainly he could not sue Shum Ahing for the interest: and as he had ample security for his money both principal and interest, and he was expecting Wong Achaong down having had a letter from him saying that he was coming he allowed the matter to remain in abeyance. It is true that after Shum Ahing's arrest, and after the people left in the shop had absconded, Assow adopted the expedient of selling off what was left in the shop to the mercy of any one, and he thought that Low Ashu might just as well have the benefit of it to account of his interest, as any one else. It may be a somewhat unusual thing for a *Landlord* to let a *Tenant* get into 16 months arrears with his *rent*; but not for a Mortgagee of property to allow *interest* to remain unpaid even for the whole period of the term. In the one case the Landlord has no security beyond the goods on the premises, in the other case the Mortgagee has the security of the mortgaged premises for his principal and interest too—and it must be borne in mind that in this case the Mortgagor himself was absent from the Colony.

An attempt was also made to induce the Council to believe that inasmuch as the letter found in a rack in the Hong at the time of its seizure was addressed to the Kupchee firm of Lee-yu-hop instead of to Wong Achaong it shewed that there was no such person as Wong Achaong, for had Wong Achaong been the head of the Hong as was alleged the writer would naturally have addressed a letter describing the misfortunes of the Hong to him instead of to the other partner.

This seems plausible enough at first sight, but it is necessary to look a little deeper into the matter to test the soundness of the inference.

Who was the writer of that Letter? Shum Ahing himself informs us. He says "Lum-chew-yung was his clerk and wrote the letter referred to by Mr. May, and put it on the rack." "Lum-chew-yung was a relative of his brother See-ko." (Page 36.)

See-ko, likewise states in his evidence that "His agents here (Hongkong) were Shum Ahing and Lum, his sister's son." "Had never consented to Shum Ahing's employment, and as soon as ever he heard that he was acting as his Agent he had sent down Lum, his sister's son, as a check upon him."

It will thus be seen that the writer of the Letter was sent down by See-ko, the head of the Lee-yu-hop firm. "as a check" upon Shum Ahing. He was the confidential Agent of See-ko and therefore would most naturally address a letter describing so important a matter as the seizure of the Hong to the person whose interests he was especially appointed to protect.

Ching Ayun, the accountant, states:—

Wong Achaong and 'Ng-lo-yeh said they did not want to continue in the Hong and gave it to Shum Ahing. Shum Ahing then conducted the business in his own name.—Shum Ahing ordered him to write out a rent book to pay \$50 a month to Low Ashu. The Hong belonged to Wong Achaong who borrowed \$2,000 on it from Low Ashu—overheard this from Wong Achaong and 'Ny-lo-yeh. Saw this rent paid for some months to Assow.

I have thus I think clearly shewn that the house and ground in which the business of the Kwong-yik-loong, Kum-yu-loong, and Kwong-fook Hongs was carried on never did belong to Shum Ahing, never did belong to See-ko, or never did belong to the two jointly, and that Shum Ahing's statement that these premises were purchased for and built with the money of See-ko and himself, and that they were cheated out of them by the treachery of Mah-chow Wong in registering the property in the name of his son, are gross fabrications.

I should not have considered it necessary to have taken so much trouble to refute these particular allegations of Shum Ahing, if it were not for the fact of my being a witness to the deed of assignment executed by Wong Achaong; and because Shum Ahing's statement of the premises being his, was coupled with the assertion, that there was no such person as Wong Achaong, and that the Wong Achaong mentioned in the assignment was Mah-chow Wong's son, a boy at that time of the age of 6 years, thereby imputing to me a participation in the fraud, which he alleged was practised on him and his brother See-ko by Mah-chow Wong.

Wong Achaong, the owner of the premises, is now unfortunately dead, he having been either killed or drowned together with See-ko's brother and grandson in an attack by Pirates when on their way from Chew-chow (Swatow) to Kup-chee.

Wong Achaong was a trader belonging to Swatow, and being anxious to produce him before the Council to satisfy them of his existence, and to refute the statement of Shum Ahing as to there being no such person, I obtained the loan of the Steamer *Sir J. Jejeebhoy* to proceed to Swatow, calling first at Kup-chee, which is close to Swatow, for two purposes, *First* to endeavor to procure an interview with See-lo-yeh or See-ko, the owner of the *Lee-yu-hop* Hong at that place so often referred to by Shum Ahing, and *Second* to endeavor, through his means, to find out, if possible, some information respecting Wong Achaong.

On reaching that place I sent on shore to inquire for *Chok Lum*, and Elder of Kup-chee, whom I had known first on one of my visits to Swatow in the *Eaglet*, secondly when we visited the place in H. M. S. *Niger* (I think), and thirdly when I was there in the *Nimrod*.

Chok-lum came off and I commenced by telling him that I wished to see a person called See-lo-yeh of the Lee-yu-hop Hong. He smiled and asked me if I did not know that *he* was See-lo-yeh himself. Never having known him by any other name than Chok-lum, I was agreeably surprised at this discovery. It was during a long conversation with him, that I learnt the particulars of Wong Achaong's death at the same time with his own brother and grandson, when on their way from Swatow to Kup-chee about 22 months previously.

I told him of the statements made by Shum Ahing with reference to himself, and in particular Shum Ahing's denial of the existence of any such person as Wong Achaong. He was highly indignant at Shum Ahing's calling himself his brother. He said he was a very bad-man and had sold some people belonging to Kup-chee.

I saw that next to Wong Achaong himself—Chok-lum—or, as I shall continue to call him to avoid confusion—See-ko, would be the most important witness I could produce in reference to this part of the Inquiry, inasmuch as he was the identical person put forward by Shum Ahing himself as the Capitalist, who had advanced the funds for the purchase of the ground, the building of the Hong and the business carried on in it.

I learnt from him that the whole of these statements were entirely false, and I told him that his evidence would be very important to me, and that if he would come down with me to Hongkong, and state all he knew about Wong Achaong and Shum Ahing, I should feel greatly obliged to him. He consented most readily to comply with my request, obtained leave from the authorities and came down with me in the Steamer. His evidence is before the Council, given in a clear and straight forward manner, resisting, in a manner that must have convinced the Council of the truthfulness of his statements, the extremely rigorous and searching cross-examination to which he was subjected at the hands of the Council.

See-ko, among other things, stated "that his name was *Lee-chok-lum*. His given name was *Lee-yun-sum*, though he was sometimes called by other names See-lo-yeh being one of them. See meant *fourth*, he being the fourth son, and Lo-yeh Esquire. He was also called See-ko. The name of his Hong in Kup-chee was the *Lee-yu-hop* of which he was the owner. He had many stores, but only one Hong—all bore the same name. His fifth brother Le-chok-chee came to this Colony with a man named Wong Achaong in the 2nd moon of the 7th year (March 1857). Knew Wong Achaong. Had seen him for the first and only time in the 12th moon of the 7th year (January 1858). Wong Achaong then called at witness' house in Kup-chee, and told him he had shut up his Hong in Hongkong, and lost all his money. They (Wong Achaong and his fifth brother) commenced doing business with a capital of \$4,000 in the 6th [4th] moon of the 7th year, \$2,000 of the capital being found by the fifth brother and \$2,000 by Wong Achaong."

"In the 10th moon of the 7th year his fifth brother and Wong Achaong came to the Colony to settle matters with Shum Ahing and found he had lost every cent. On the 26th day of the 2nd moon of last year (March 1859) Wong Achaong, the fifth brother, and his (witness') grandson about 22 years of age were in a boat on their return to Kup-chee from Swatow, and were attacked by Mo-me-ma—the pirate chief with seven boats, and all three were killed or jumped overboard and were drowned. The crew of the boat were subsequently released, and came and told witness of the fate of the three persons." "The only time he had ever seen Wong Achaong was in the 12th moon of the 7th year (January 1858.) Wong Achaong then called on him at Kup-chee to tell him the result of the partnership in Hongkong. He said the Hong had been closed and every cent lost. He blamed Shum Ahing for it, and said if he ever saw an opportunity for trading successfully he would again go into partnership with the fifth brother. When Wong Achaong was on his way to Kup-chee with fifth brother and grandson it was for the purpose of asking him to advance money to commence a Hong at Swatow. They were all lost as already described. He was told of their object by the crew who were saved. The only persons lost were the three who jumped overboard." (And he gave as a reason though it is not down in the minutes that as their vessel resisted the pirates, and as they were the three principal persons on board they would have suffered at the hands of the pirates had they been taken alive.) "Wong Achaong was about 36 or 37 years of age."

At the second day's examination he stated with reference to Wong Achaong that, "It was in the 2nd moon of the 7th year that witness first heard of Wong Achaong when his brother spoke to him about joining Wong Achaong in the Hong. The fifth brother said he had met Wong Achaong at Swatow or Chewchow. Wong Achaong used to charter vessels, and go in them himself. Wong Achaong once chartered a vessel belonging to witness. Vessel was called *Lee-ya-sen*, but was destroyed by pirates." The witness entered into many other particulars some of which are recorded upon the minutes and some are not.

Stronger evidence of the existence of Wong Achaong, the sole owner of the premises, and part owner of the Hong, Kwong-yik-loong established in those premises, under Shum Ahing's management, could not be desired. I respectfully submit that the evidence of this witness is entitled to the greatest weight in the consideration of this question. He is not a chance man picked up on the spot and brought forward with a made up story, but he is pointed to by Shum Ahing himself as the person he most relies on—the head of the Kup-chee firm with whose money he says the ground was purchased and the premises built. It was in right of this man that Shum Ahing claimed himself to be part owner of the premises. It is this man who is put forward by Shum Ahing to oppose Wong Achaong's right to the property.

I might safely leave the question of Wong Achaong's existence to any unprejudiced jury here and confidently abide the result; but I cannot dispossess my mind of the be-

lief that I have a weight of prejudice to struggle against, which necessitates some further exertion on my part to establish this important fact. Fortunately for me there is additional conclusive evidence to prove it.

The Council appeared to think it strange that when I was at Kup-chee in H. M. S. *Nimrod* in 1859 when See-ko reported the death of his fifth brother by pirates, that he should not have mentioned the death of Wong Achaong and his grandson both of whom were drowned at the same time. The old man himself gave a very sufficient reason for this. The piratical attack in which his brother and the others lost their lives occurred about a week previous to the arrival of the *Nimrod*, and See-ko said that "He reported his brother's case to Mr. Caldwell, but said nothing of Wong Achaong or the grandson. Did not report these persons' deaths because Mr. Caldwell was not a Chinese official, also because he was so full of trouble about his brother's death,"—which had occurred only about a week previously. In one respect the old man was in error, he *did* mention his grandson's death, though he may not now remember it, but his brother's loss was to him the most important of the three, it was the one most felt and cared for, it was uppermost in his mind, and therefore the one which he would most naturally more especially refer to.

The Council appeared likewise to think it strange that the crew of the vessel in which the brother, grandson, and Wong Achaong were lost should have known the *object* on which Wong Achaong was going to Kup-chee. See-ko said, "When Wong Achaong was on his way to Kup-chee with the fifth brother and grandson it was for the purpose of asking him to advance money to commence a Hong at Swatow. He was told of their object by the crew who were saved."

To those who have any acquaintance with the domestic habits of the Chinese such a thing would not appear at all strange. In every house of business masters and servants all eat together at the same table. It is the same on board of their vessels, masters, servants, crew, and passengers all eat together. The masters talk freely of their affairs in presence of their servants, who as freely express their opinion. It is not at all unlikely that during the passage, the establishment of the intended Hong and matters connected with it, was often talked about by the parties interested in it; and was it at all unlikely that this was overheard by *some* at least of the crew? A Chinaman's curiosity is keen and prying. If one Chinaman is reading a Letter, another will overlook him, and the reader will not think it strange, although they may be strangers to each other. So, if two Chinese be talking together, another will go up and listen to the conversation, and neither party think it strange or intrusive. Unless there were some ground for secrecy in the case of the establishment of the proposed Swatow Hong, nothing is more likely than that it should have been talked over by Wong Achaong, and the brother in the presence and hearing of the crew.

In addition, however, to the evidence of See-ko as to the existence of Wong Achaong there is the important evidence of *Low Ashu*, who lent Wong Achaong the sum of \$2,000 on the security of the Premises of which he holds the Title Deeds with the usual Chinese mortgage paper.

Low Ashu stated,—“He lent money on Section *D* of Lot 83 to Wong Achaong a Chew-chow [Swatow] man in the 7th year of Hien-fung. Got a Deed and had it now. Knew Wong Achaong for three or four years before he lent the money, but did not know where he was living, but he was carrying on business in Hongkong in the Kum-yu-loong Hong. Lent the money \$2,000 on the 11th moon of the 7th year. Had previous dealings with Wong Achaong for opium. Wong Achaong was now alive and living at Chew-chow.” [At least he supposed so not having heard of his death.] “Witness had not seen him since three or four months after the money was lent. Knew Mah-chow Wong, but never had any dealings with him. Received a Letter from Wong Achaong about the 4th moon of last year saying he was coming to the Colony in a few days. Has not got that letter—destroyed it. The ground rent was always paid by witness. He got possession of the ground from Wong Achaong when he advanced the money. The premises were at that time occupied by the Kum-yu-loong Hong. Wong Achaong wanted the money for trade. Witness has other property in the Colony the rent of which is collected by his clerk. He gave Assow this as he happened to come in one day and he lived so near. Wong Achaong came to witness and asked him to lend the money. It was less than a month afterwards that he gave the book to Assow. Knew that the paper was no security as he had not registered it in the Land Office, but trusted the man. Lent money in other cases on

"Deed without registering, but could not at that moment mention any other instance." His other evidence had no direct reference to Wong Achaong.

Here is again strongest testimony to the existence of Wong Achaong, and the exercise by him of his right to the property by mortgaging it to Low Ashu, and the fact of the loan is corroborated by Assow the overseer of roads, who collected the rent, and who states that Low Ashu told him of this loan to Wong Achaong at the time he empowered him to collect the rent of the mortgaged premises, though Assow himself had no personal knowledge of Wong Achaong, and the fact of the loan is further proved by the admission of Shum Ahing himself that he paid interest upon it to Assow although he pretended that this was a debt due to Low Ashu by Mah-chow Wong's wife, and that he paid the interest upon it because he was told by Mrs. Caldwell to do so.

But I must pause here to notice the conduct of Mr. Murrow and Mr. May, at this stage of the proceedings before the Council. Both these individuals were doubtless taken by surprise at the strong and conclusive evidence of See-ko in reference to Wong Achaong, supported as it was by that of Low Ashu and Assow.

Assow stated before the Council that "Low Ashu told him he was to collect the rent from the Kum-yu-loong Hong as he Low Ashu had lent \$2,000 to Wong Achaong and was to receive the rent as interest." "Never saw Wong Achaong. Did not know who he was—never heard from Low Ashu who Wong Achaong was or any thing about him except that he came from Chew-chow."

Mr. May, who had by the direction of the Council, called on Assow on the Sunday previous to the day on which he was examined, to make some inquiry about the Kwong-fook Hong, made an attempt to impugn Assow's evidence on this point by saying that when he spoke to him on the previous Sunday, Assow "distinctly stated that he had no knowledge of the nature of Low Ashu's transactions as to Section D and no knowledge of Wong Achaong." Assow, however, fearlessly and almost indignantly contradicted Mr. May to his face, notwithstanding the great disparity in their respective official positions. He said, that when Mr. May was questioning him he told him that "he did not know (savez) Wong Achaong, and not that he had never heard of him," which is quite consistent both with his statement before the Council, and with the mode in which Chinese usually express themselves as to their knowledge of persons. One Chinaman may have seen another Chinaman 50 times, and may know his name, station in life, &c., but if he is not on speaking terms with him, he will always, when asked if he *knows* that man, reply in the negative.

Mr. May's 16 years experience in the Colony must be of little use to him if he is ignorant of this peculiarity in the Chinese character. But Mr. May's statement is also contradicted by his own officer, Sergeant De Silva, to whose house Mr. May had taken Assow for the purpose of questioning him. Sergeant De Silva was called for the purpose of confirming Mr. May's statement, and was asked by the Council to state what he heard, and this is his evidence:—"Sergeant De Silva being examined stated that he was present when Mr. May was questioning Assow, and Assow had said he knew nothing of the family of *Mah-chow Wong*." Not as Mr. May says, that he had "no knowledge of the nature of Low Ashu's transactions as to Section D and no knowledge of Wong Achaong," but that he had no knowledge of the *family of Mah-chow Wong*—so much for Mr. May's testimony.

Mr. Murrow, on the other hand, attempted to get rid of the effect of Low Ashu's evidence by pretending that the \$2,000 was not a loan to Wong Achaong, but that it was money advanced by Low Ashu to *Mah-chow Wong*, and that it was got by Mah-chow Wong, to take with him to Labuan for the purpose of giving him the means of murdering the European Inhabitants of that place! Because there happened to be an attempt made by the Convicts at Labuan, of whom Mah-chow Wong was one, to break out of the Gaol at that place, Mr. Murrow seizes upon that circumstance to make it appear that Low Ashu's loan must have been made, not to Wong Achaong, but to Mah-chow Wong for the purpose stated.

It is remarkable that a man of Mr. Murrow's acuteness should have put forward so silly a proposition. In the first place, there was the almost impossibility of a convict under sentence of transportation taking such a large sum of money with him without it being discovered, and in the second place the improbability of so large a sum being conveyed to him there, without it coming to the knowledge of the authorities of the Gaol in which he was kept in strict confinement. Then again, this loan was made by Low

Ashu to Wong Achaong in January 1858, whereas Mah-chow Wong was not transported until December of that year, so that according to Mr. Murrow's hypothesis, the whole matter of the murder of the Europeans at Labuan must have been planned by Mah-chow Wong *eleven* months before he was sent to that place!

Mr. Murrow, however, was not long in seeing the absurdity of this proposition; he therefore abandoned it, and put forward another which he thought might bear an appearance of greater plausibility. Taking advantage of the circumstance of Low Ashu having been formerly Compradore to the house of Messrs. Williams, Anthon & Co. of Hongkong, he informed the Council that he had ascertained that the \$2,000 were due to Low Ashu by Mah-chow Wong on account of some losses which Messrs. Williams, Anthon & Co. had sustained in acting as the Agents of the *Potomac*, a vessel that Mah-chow Wong had sent to California, and got into difficulties there, which Agency Messrs. Williams, Anthon & Co. had been induced to undertake by the recommendation of their Compradore Low Ashu—that Messrs. Williams, Anthon & Co. had compelled their Compradore to make good this loss to them, and that Low Ashu had in like manner applied the screw to Mah-chow Wong, hence the mortgage of the property to Low Ashu which of course confirmed Shum Ahing's statement that said property belonged to Mah-chow Wong's son, and not to Wong Achaong the Swatow trader. This was certainly a far more plausible story than his first one; but unfortunately for his premises the *Potomac* was despatched to California as far back as 1853 or 1854. Messrs. Williams, Anthon & Co. never acted as Agents for the vessel, never sustained any loss by her, and therefore never could have made their Compradore Low Ashu reimburse them; but even if Mr. Murrow's statement were true, it was strange that Low Ashu should have allowed the matter to lie over for five years, and only obtain security for his demand as late as January 1858—(a demand which, even if true, it is needless to say he never could have enforced against Mah-chow Wong) and then not from Mah-chow Wong himself (who was at that time under sentence of transportation), but from Mah-chow Wong's wife! Although Mr. Murrow stated to the Council that he had ascertained the above circumstance to be a fact, and could prove it, and built largely upon it to prove that the mortgage of the premises could not have been made by Wong Achaong as stated by Low Ashu, he never produced a single witness or a single document to prove it beyond his own bare statement,—not even Shum Ahing himself, who was supposed to be cognizant of the whole of Mah-chow Wong's affairs. Whether Mr. Murrow had obtained his information from Mr. May, or whether it was a fabrication of his own, certain it is, that Mr. C. D. Williams one of the partners of the firm of Messrs. Williams, Anthon & Co., when he saw Mr. Murrow's statement in reference to this matter reported in the columns of the "Daily Press," met Mr. Murrow, and denied the truth of the whole statement with reference to himself and his Compradore, and Mr. Murrow was afterwards compelled to acknowledge that he had been mistaken.

These two attempts to impugn the evidence of Low Ashu having broken down, it was next sought to attach suspicion to the circumstance of the mortgage deed being a Chinese writing and not having been registered at the Land Office. It is not surprising that His Excellency the Governor and His Honor the Chief Justice, who have but recently arrived in the Colony, and are comparatively strangers to the habits of the Chinese and their mode of dealing with each other, should have considered this as somewhat suspicious; but it is nevertheless the fact, that Chinese *do* make out mortgages in their own language, and *do* omit to register these mortgages in the Land Office as required by the Ordinance. Some Chinese do not know that there exists such a requirement, whilst others who are aware of it, know also, that though the registration gives them additional security, it does not invalidate the mortgage. Low Ashu gives a very sufficient reason for not having registered Wong Achaong's mortgage, which was, that he *trusted the man*, and did not consider it necessary to do so, and this is, in fact, the case with many others. They trust to the stability and honesty of the person. I can confidently appeal to every member of the legal profession in the Colony, and ask them if they have not in the course of their practice met with frequent instances of Chinese mortgages, written in Chinese, and never registered. I could have produced, and would have done so, had it not been for the untoward circumstance which compelled me to decline proceeding further in my defence, existing instances of the same kind, and even Mr. May himself, if he would but speak the truth, could tell the Council that in his long experience as a money-lender in the Colony he has met with many instances of a similar nature. It is likewise a fact that even in the case of a *sale* of immovable property many Chinese believe that the mere possession of the Title Deeds is sufficient to shew their right of ownership without any other transfer whatever, and the Books of

the Land Office will shew Lots of ground standing in the names of the original Lessees to the Government, which have changed owners more than once without having had the transfers registered.

Another part of Low Ashu's evidence which appeared to be regarded with distrust was the statement that he, Low Ashu, had "received a letter from Wong Achaong about "the 4th moon of last year saying that he was coming to the Colony in a few days." As it was afterwards proved by the evidence of See-ko that Wong Achaong was killed or drowned in the 2nd moon of that year the conclusion was arrived at that Low Ashu had stated what was false. To say the least of it, this conclusion was a somewhat hasty one. Low Ashu's answer, as above, was to an incidental question, given from recollection at the moment. He had not come prepared to answer it, and he had destroyed the letter. He gave the time to the best of his recollection, which he said was "about the 4th moon of last year." He did not state *positively* that it *was* in the 4th moon, and the circumstance he spoke of occurred as far back as a year and a half from the time when he was giving his evidence. He did not pretend to give the *date* of the Letter.

It ought to be borne in mind that *See-ko* stated in his evidence that at the time his brother, grandson and Wong Achaong were lost they were on their way to Kup-chee: "When Wong Achaong was on his way to Kup-chee with the fifth brother and grandson "it was for the purpose of asking him to advance money to commence a Hong at Swatow;" and as Kup-chee was midway between Swatow and Hongkong, it was not at all unlikely, that Wong Achaong intended coming on to Hongkong at that time before commencing his Swatow Hong as intimated in his Letter to Low Ashu, which must have been written before he left Swatow on that occasion, and this is a circumstance which ought fairly to be considered as confirmatory of Low Ashu's evidence as to the receipt of the Letter, than otherwise.

Another witness who proved the existence of Wong Achaong was *Ching Ayun*, the accountant of the Kum-yu-loong Hong under Shum Ahing's management.

His evidence is very important from his connection with the Hong as its accountant. Even Shum Ahing himself does not deny this fact, for he says—(page 56) "Knew Ching Ayun—he employed him on the 1st day of the 9th moon 7th year as an accountant in "the Kum-yu-loong Hong. He was employed there in that capacity for a year. May "have told him who were the partners in the Hong, but did not at the present moment "recollect doing so."

Here at least we have an admission from the prime mover of this branch of the Inquiry that we have the right man.

Ching Ayun the accountant, stated, among other things, as follows:—

Is a book-keeper in the Salt fish Lan in the Western district—was formerly accountant in the Kum-yu-loong Hong. First joined the Hong on the 1st day of the 9th moon of the 7th year. Was employed by *Shum Ahing*, who told him that *Wong Achaong* and *'Ng-lo-yeh* [fifth brother] of *Kup-chee* were partners in the Hong. Knew both Wong Achaong and 'Ng-lo-yeh, but not before the 11th month of that year when they came down here. They came to settle with Shum Ahing.—Wong Achaong and 'Ng-lo-yeh said they did not want to continue the Hong and gave it to Shum Ahing. Shum Ahing then conducted the business in his own name.—Shum Ahing ordered him to write out a rent book to pay \$50 a month to Low Ashu. The Hong [the House and ground] belonged to Wong Achaong who borrowed \$2,000 on it from Low Ashu. Overheard this from Wong Achaong and 'Ng-lo-yeh. Saw this rent paid for some months to Assow.—When accounts were settled between Wong Achaong and the others there were several hundred dollars due to Wong Achaong. Wong Achaong on going away gave a book to Akee's wife and told Shum Ahing to pay the amount to her. Wong Achaong came from Swatow and could speak the Punti language.—His books [meaning the books of the Hong] bore the name of Wong Achaong. Whenever he paid money to Wong Akee's wife he entered it against Wong Achaong, and it went against the balance due to him. He made the entries himself in the books.—[The witness also contradicted the statement of Shum Ahing that the entries in the books under the head *Yow-hop* meant my wife. The accountant states]:—There were no entries in his books in the name of Yow-hop nor any in the name of Shup-lok.—Never saw Wong Achaong after the 11th moon of the 7th year. Knew Mah-chow Wong or Wong Akee. Mah-chow Wong was not the same person as Wong Achaong. Believed Wong Achaong was alive in Swatow. Heard in the 2nd moon of this year from some of Wong Achaong's countrymen, that he was alive at Swatow his native place.

These are the principal parts of the accountant's evidence which have reference to Wong Achaong, proving beyond a doubt, that the *Wong Achaong* the owner of the house and ground, was a Swatow merchant, and not Mah-chow Wong's son as Shum Ahing tries to make out. His evidence is, in some respects, confirmed by Shum Ahing himself—certainly it has not been attempted to be contradicted except by Shum Ahing, and the only reason for casting suspicion on him is, that the Fish Lan in which he is at present

employed belongs to the relations of Mah-chow Wong's wife. But is that a sufficient reason for throwing discredit on his evidence, which is not only not contradicted by any thing put forward on the other side, but is supported by the statement of Shum Ahing himself, who admits that he was the accountant of the Hong, and also that he *may* have told him who were the partners in the Hong though he does not recollect having done so. As to the information given to him by the Swatow men in the 2nd moon of last year when he inquired after Wong Achaong, that he was alive and well at his native place; that would altogether depend upon the means those persons had of knowing the fact. If they really knew Wong Achaong and had not heard of his death that would be the most natural answer a Chinaman would give to what is usually regarded by them as a mere formal and unmeaning inquiry.

It was after the evidence of this witness, still further shewing the falsehoods of Shum Ahing, that Mr. Murrow, foreseeing the effect of this accumulation of evidence against his tentative witness, on the only really important part of the Inquiry affecting myself, handed in to the Council, as he himself terms it, his "impulsive" (and he might have added grossly abusive) Letter of the 26th December.

As the Council have thought fit to admit this disreputable production upon their minutes intact, without regarding the request of the writer himself to the Council "to go through this long impulsive letter on the instant, and to pass the pen through "what is untrue," (thereby admitting that it did contain untruths), and as it abounds in misstatements, distortions of fact, false deductions, and the most palpable fallacies, to say nothing of its gross abuse, I deem it right to draw up a separate reply to it, so that the present paper (which is a reply to the *evidence*, such as it is, which has been adduced before the Council and *not* to the speculative observations of my accuser) already extended to too great a length, may not be clogged with matter which the Council is not bound to take into its consideration in deciding upon the charges which have been laid before them.

I may not be able to complete my reply to this long letter (containing 29 paragraphs) within the time last fixed for the completion of my remarks on the charges and evidence; but it shall be transmitted to the Council for entry upon their minutes immediately it is ready.

Another witness, and an important one, who spoke to a personal knowledge of, and acquaintance with Wong Achaong was *Su Asum*, the wife of Mah-chow Wong.

Su Asum, the wife of Mah-chow Wong, stated that "Wong Achaong was the proprietor of the Kwong-yik-loong Hong. First knew him in 1855. He was a friend of her husband and chartered a vessel of his. Last saw him 10th moon 7th year (16th November, 1857.) Did not know anything about transactions between Wong Achaong and her husband. Last time Wong Achaong was down here he gave her a book to collect \$300 from Shum Ahing being his share of the business of the Lee-yu-hop at Swatow." [This must be either a mistake of the Copyist or Printer, the *Kwong-yik-loong* was the Hong mentioned by the witness.] "Wong Achaong was the owner of the Kwong-yik-loong Hong. He bought the ground and built the premises in 1856. He owned it still. Had not anything to say to Wong Achaong's money affairs since he left in November 1857. Had not paid any money on his account since. Had paid the ground rent to Tchow-wun-yoong whenever the receipt was produced. Had not paid any since the end of 1858. Had received about \$180 of the \$300 from Shum Ahing. Wong Achaong said that having known her husband intimately, she might keep that \$300. Her husband having been in the habit of paying the ground rent she continued to do so when it was demanded. Her husband never had any share in the Kwong-yik-loong, neither had she. Wong Achaong had proposed to give her husband a share of the profits, but the promise was not fulfilled. Received the \$180 from Shum Ahing in small dribblets. Used to send her servant for them. Sometimes had rice and salt fish from the Hong. Had entries of payments in a Book, but the book was burned at Namtow when it was attacked by the English. Never directed Shum Ahing to pay money for her to Mrs. Caldwell. Did not know by whom the ground rent had been recently paid. Told the persons who called for it to go to the Hong as she could not afford to pay any more rent. Shum Ahing sent a message in reply that she need not be afraid that the ground rent would not be paid as the lease had been placed in a person's hands. The partners in the Kwong-yik-loong Hong, at the time of the settlement were Lee-yu-hop (the name of a firm), and Wong Achaong. The Lee-yu-hop belongs to the 4th and 5th Mandarins—Brothers.

"Shum Ahing had no share at the time of the settlement. Heard her husband say that Shum Ahing had been engaged by the Brothers to manage the Shop. Her husband had been promised a share, but did not get it as he was soon afterwards apprehended. Had been promised this for his assistance in buying the ground and in the building. Her husband paid the money for the ground. Wong Achaong was present at the time—it was in her own house. Money was paid to Tung Alok, \$800. Had only seen one \$200 odd paid. Had seen no further payments. Did not know which of the two paid it. Wong Achaong brought the money from his boat. Wong Achaong was a native of Swatow in Chew-chow—in appearance was neither stout nor thin and in height about 2 or 3 inches taller than Mr. Rozario. He was 30 odd years old. The name of her son was Wong-cheong-sin. Wong Achaong spoke Chew-chow and Pun-ti. Could not name any respectable person in the Colony who was acquainted with Wong Achaong. Did not know where he was now. He was in the habit of going about the Coast. Knew Tung Alok. Her husband had been acquainted with him. The name of the Lorcha chartered by Wong Achaong from her husband was the Kee-loong-poo-oan. It was chartered about the 5th year (1855). Her husband owned that Lorcha until she was wrecked the year before last. Did not know whether any body had a share in it. Had heard her husband say that Mr. Caldwell had lent him a few hundred Dollars to repair the vessel."

Here again is direct evidence of the existence of Wong Achaong corroborating, in the main particulars, the evidence of the other witnesses as to his ownership of the Premises in which the business in the Hong was carried on,—the purchase through Mah-chow Wong of the ground from Tung Alok,—the partnership in the Kwong-yik-loong Hong with See-ko's fifth brother,—and the employment of Shum Ahing therein as managing clerk—not as a partner.

It was thought to be a strange circumstance by the Council that Wong Achaong should have made over to Mah-chow Wong's wife the \$300 due to him as his share in the business, which she was to receive from Shum Ahing, who had taken over the business of the Hong, and that Mah-chow Wong and his wife should for a time have paid the ground rent on his property.

The explanation of these two circumstances is both easy and reasonable. Su Asum, the wife, says, "Wong Achaong had said that having known her husband intimately she might keep the \$300" which were due to him by the Kwong-yik-loong Hong. That Wong Achaong *did* make over to Mah-chow Wong's wife the sum due to him by the Hong is confirmed by the evidence of the accountant of the Hong who stated that "when accounts were settled between Wong Achaong and others, there were several hundred dollars due to Wong Achaong. Wong Achaong on going away gave a book to Akee's wife and told Shum Ahing to pay the amount to her." He also said that "whenever he paid money to Wong Akee's wife he entered it against Wong Achaong and it went against the balance due to him. He made the entries himself in the books."

It has been stated by more than one witness that Mah-chow Wong was to have had a share of the profits of the Hong for giving his assistance to it in case of difficulties. This share he never received. The wife says "Her husband said he had been promised a share in the Hong but never got it as he was soon afterwards apprehended." Apprehended for what? for being, as Mr. May states, the Head partner and manager of the Hong, though Shum Ahing states he never was a partner, and never had any thing to do with the Hong or any interest in it, *nor ever received* any money from it. This was true, but nevertheless Mah-chow Wong was convicted, whilst the real culprit—Shum Ahing was not even committed upon the charge.

Wong Achaong when he came to the Colony to wind up the affairs of the Hong learning all the circumstances of Mah-chow Wong's conviction, felt a natural commiseration for the misfortunes which had overtaken Mah-chow Wong and his family in consequence of his supposed connection with his Hong. He *did* "take pity" on his wife and gave her the small sum which was payable to him by Shum Ahing for his share of the recently closed Hong. It was this very circumstance which was taken advantage of by the wily convict, and used by him in his early statement to the Council, wherein he ignored the existence of Wong Achaong. He wished it to be believed that it was See-ko (whom he called his brother) and not Wong Achaong who *took pity* on Mah-chow Wong's wife and gave her a one-third share in the Hong worth \$1,800. This is what he stated,—"*Mah-chow Wong had no interest or share in any of the Hong, but witness' brother See-ko took pity on Mah-chow Wong's wife after Mah-chow Wong's transportation and gave*

"her a share in the *Kum-yu-loong Hong*," the value of which \$1,800 he says he paid her.

Now the very reverse of this was the case—*See-ko* never was here at the time Shum Ahing speaks. It was Wong Achaong and 'Ng-lo-yeh who came down to settle the accounts of the Hong and it was at this time that the former "took pity" on the wife and made over to her the balance due to him as stated.

There is no doubt that Shum Ahing knew of the death of Wong Achaong at the same time with that of *See-ko's* brother and grandson. By ignoring Wong Achaong altogether, and putting forward the pretence that Mah-chow Wong had cheated him out of the ground by placing it in the name of his son, he thought he might be able, now that Mah-chow Wong was transported and Wong Achaong dead, to induce the Council to believe that the property really was his, and that he might in addition to his pardon, succeed in obtaining the property also.—It was a prize worth trying for, and I have no doubt the hope of success still animates his breast.

As to the fact of Mah-chow Wong and his wife paying the ground rent it is impossible for me to say with certainty why the former did so. He is not here to give the explanation himself, and we can only gather from the facts before us the reason of his doing so, and this is not difficult. It is in evidence that Mah-chow Wong was the person who negotiated the purchase of the ground from Tung Alok, and as he was attending to the interests of Wong Achaong during his absence, he would be the most likely person to whom application would be made for payment of the rent, and he would as naturally see to the payment of it to save the property.

Shum Ahing says (page 29) "The house belonged to witness and his brother and Wong Achaong was endeavoring to get a share of it." "The ground rent \$48 per annum [it was only \$24] was always paid by witness to Mah-chow Wong's servant "who came for it for the purpose of paying it to the Land Office—as she told him." Now if the house belonged to Mah-chow Wong or his son why should Shum Ahing's Hong pay the ground rent? Or, if the premises belonged to Shum Ahing and his brother, would Shum Ahing quietly pay the ground rent to the very man who he says cheated him out of it?

Mah-chow Wong's wife said she continued to pay the ground rent after her husband's conviction because her husband had done so before—she sent her servant to the Hong and got the money to pay it. After the Hong was closed she paid the rent only once because the applicant informed her that the Hong had refused to pay it and had referred him to her. Not knowing at the time that the property had been mortgaged to Low Ashu, and she having had money from Wong Achaong, she paid it for him. This was the last occasion on which she paid rent for Wong Achaong. When she sent to the Hong for this money (after having paid it) Shum Ahing sent back word that he had no money, but that she need not care about the ground rent in future as the property had been mortgaged, and the mortgagee would see to the payment of the rent. In the interpretation of this part of her evidence to the Council it was given "that she need not be afraid"—and great suspicion was attached by the Council to this expression of Shum Ahing as shewing that unless the property belonged to herself why should she be afraid of the non-payment of the ground rent. The words used by the woman meant, not that she was not to be afraid, but that she need not care about the payment of the ground rent—the rendering of the word as *afraid* by the Interpreter was in consequence of his imperfect knowledge of the English language—the word (*fong*) signifying *care* could also be used to express *fear*, but not in the sentence used by the witness. But even supposing that Shum Ahing told her not to be afraid, ought such an expression, used by himself, to be taken as proof that Mah-chow Wong's wife really entertained any fears in consequence of the non-payment of the ground rent—or that those fears really referred to herself and not to Wong Achaong the owner of the property.

Tchow-wun-yoong, the Governor's witness, states that he got the ground rent on one occasion from the "*Kwong-fook Hong*." If the property belonged to Mah-chow Wong why should the *Kwong-fook Hong*—or rather Shum Ahing—pay it? According to Shum Ahing neither Mah-chow Wong, his wife, or son had any interest in the *Kwong-fook Hong*, which he said belonged solely to himself and his brother. He says (page 28) "The *Kwong-fook Hong* consisted of his brother and himself."

Reference having been frequently made both by Shum Ahing and Su Assum, the wife of Mah-chow Wong, to a servant woman of the latter, she was likewise produced

before the Council and likewise testified to her knowledge of Wong Achaong. The material portions of her statement are as follow:—

Mun Achung, servant to Mah-chow Wong's wife, said, her master in 1856 purchased ground for his friend Wong Achaong. Wong Achaong was no relation of Mah-chow Wong—He did not live in Hong-kong, he came from Swatow—chartered vessels from Mah-chow Wong—Knew Shum Ahing—Never carried any money from him to Mrs. Caldwell; carried money from Shum Ahing on account of Wong Achaong to Mah-chow Wong's wife. Never went three times to Mrs. Caldwell with Shum Ahing to pay \$1,000, \$500, and \$300. After Wong Achaong settled with Shum Ahing he said there was a balance due him of over \$300 and as he was not a resident here he wished the money to be paid over to Mah-chow Wong's wife. The money was to be applied to the payment of expenses of Mah-chow Wong's wife and son.—Never told Shum Ahing that the books of the Kwong-yik-loong Hong which had been obtained from the Supreme Court were to be carried to Mrs. Caldwell. Saw Wong Achaong at the end of the 7th year after her master had been convicted.

This witness not only confirms the evidence of the other witnesses who have spoken to a personal knowledge of Wong Achaong, but she contradicts Shum Ahing in those statements which he made respecting the interference of my wife in Mah-chow Wong's affairs. What particular object he aimed at in thus introducing the name of my wife it is hard to say, except it be that he thought by doing so he would be inflicting a greater injury on myself.

Coo Aping—a witness to the Chinese mortgage from Wong Achaong to Low Ashu declared to the fact that he saw the money paid by Low Ashu to Wong Achaong when he signed the paper as a witness, but the effect of his evidence was somewhat weakened by his first denying and afterwards admitting that he had seen me previous to being examined before the Council. He fancied there was something wrong in it by being asked the question, and like a true Chinaman, declined to commit himself.

One other witness was produced Chum Akwong who spoke of having some slight knowledge of Wong Achaong but whose evidence I do not rely on. I produced him because I had been informed that he knew Wong Achaong, and I was anxious that the Council should have the opportunity of hearing every person I could find in the Colony who had met Wong Achaong.

Lastly there is the evidence of Mr. Power the Registrar of Deeds in the Land Office. It was Mr. Power who drew up the Assignment of the ground from Tung Alok to Wong Achaong, who attested the assignment as a witness with myself, and who made oath to the execution of the documents. I quote from the minutes—"Mr. Power was examined as to the memorial in the Land Office and the Lease [Assignment] prepared by him conveying Section D of Lot 83 from Tung Alok to Wong Achaong. He stated he was satisfied that *both the parties were together in his presence when they signed the Memorial*. He had no personal knowledge of Ma-chow Wong. Thought he prepared the Lease [Assignment] and papers at the request of Tung Alok. The Lease [Assignment] and Memorial were executed either in the Land Office or in Mr. Caldwell's house. The dates in the Memorial satisfied him that all the parties signed on the same day. Had no knowledge of a loan by Mr. Stace to any person in connection with the transfer of this Land, and had no entry of any such transaction in the books of the office."

The statement of Mr. Power was perfectly correct except the conjecture he hazarded as to the papers being signed either in the Land Office or my house. *Why in my house neither he nor I can tell.* The assignment and Memorial were executed in Mr. Power's office. I have a distinct recollection of it, and Tung Alok one of the parties to the Deed says the same. Of one fact, however, Mr. Power was satisfied; that *both the parties were together in his presence when they signed the Memorial and Assignment*. Now, lest it may be supposed that Mah-chow Wong personated Wong Achaong on this occasion and signed his name, there is a strong presumptive fact to the contrary. Mah-chow Wong was an illiterate man, and wrote the large clumsily formed characters of a person whose daily avocation is not the use of the pen,—whereas the signature of Wong Achaong both to the Memorial and Assignment, which were produced before the Council, is written in a free and neat hand by a person well accustomed to the use of the Chinese pencil. The Mortgage Deed from Wong Achaong to Low Ashu, written 16 months afterwards, was likewise produced before the Council, and Wong Achaong's signature to *that* paper, was exactly similar to that on the Memorial and Assignment. Wong Ashing—Mr. Murrow's translator—an accomplished Chinese scholar—was directed to examine and compare these signatures, and he stated that the signature of Wong Achaong to the Assignment, and to the Mortgage paper to Low Ashu, appeared to him to be written by the *same person* and were *well written*. Seeing that neither of these signatures could have

been written by Mah-chow Wong, one Honorable Member of the Council suggested that Mah-chow Wong might have got *some other* person to write these names for him! But if the hypothesis be correct that the property was really *Mah-chow Wong's*, and placed by him in his son's name, *why* should he be afraid to sign his son's name himself, and adopt the unneeded expedient of putting forward a stranger to perform an act, which there was no reason whatever, at that time, why he should not do himself? There was nothing against him.—He was in no danger of apprehension—his pecuniary affairs were in a satisfactory condition—and indeed there was no reason whatever why he should not have placed the property in *his own* name, which, he most likely would have done, had the property been his own. But at all events if he wished to place the property in his *son's* name, he would have taken care to put it in his proper name of Wong-cheong-eeen, and not that of Wong Achaong, which is not the child's name. The mother stated, though it is not recorded on the minutes, that *Acheong* was merely a short and familiar designation used by members of the family and his play fellows in the street, in the same manner as is customary amongst ourselves.

It is not by any means a usual thing among Chinese holding lands in the Colony, to place property in the names of their children—especially young children—in the manner it is conjectured Mah-chow Wong did on this occasion. It prevents their disposing of it should advantage offer for doing so—it prevents their mortgaging it should their circumstances need the raising of money upon it, and it causes them trouble inconvenience and expense in changing the title should the child die before attaining maturity. Mah-chow Wong was too intelligent a man, and too well acquainted with our usages, not to know something of this; and if it was done in anticipation of his transportation, he must have been a far-seeing man indeed to have taken this precaution 10 months before the occurrence of the alleged confederating, of which, I think, I have most clearly shewn, he was most unjustly convicted.

But there is another strongly corroborative fact of the existence of Wong Achaong which Mr. May himself has furnished us with, and I thank him for it. Among the numerous extracts he made from Mah-chow Wong's books—the application of which to the particular object he had in view, I have failed to discover, was the following; it stands *No. 20* in Mr. May's Memoranda: (page 289 Blue Book.)

An account of 400 Dollars purporting to have been borrowed from Mr. Stace by *Wong Acheong*, for which Mr. Stace is security. September 1856.

Now here is proof positive given us by Mr. May himself, unconsciously no doubt, of the very fact which has so long occupied the time of the Council, namely, the existence of Wong Achaong. Mr. May in his evidence before the Council further remarks as to this entry: "20th entry, was a note of money borrowed from Mr. Stace by Wong 'Achaong,'"—thereby confirming his previous explanation of the entry. It must be borne in mind that this explanation by Mr. May was made to the Council on the 28th August long before Shum Ahing was called, and before he had any idea of Shum Ahing's intention to ignore Wong Achaong's existence. Shum Ahing was not examined until the 22nd September.

What Wong Achaong is this? It could not be Wong Achaong *the son*, for Mr. Stace, as a lawyer, would never commit the folly of lending the Sum of \$400 to a boy of six years of age, which Mah-chow Wong's son must have been in September 1856. It could not mean Mah-chow Wong himself, for Mr. Stace, (according to Mr. May's evidence given at the Inquiry in 1858) was Mah-chow Wong's Solicitor, and did all his legal business for him, and therefore must have been well acquainted with him. What other Wong Achaong could this entry refer to but the Swatow merchant the owner of Section *D* purchased from Tung Alok.

It will be remembered that Tung Alok tells the Council in his evidence that he owed Mr. Stace \$500, and when he bargained with Mah-chow Wong for the sale of the ground for \$800, it was agreed that \$300 should be paid in cash, and that Mah-chow Wong should settle with Mr. Stace for the other \$500. He says this was accordingly arranged with Mr. Stace, and he thinks that Mah-chow Wong left the title deeds of the lot with Mr. Stace as security for the money.

There is no doubt that the entry in Mr. May's Memoranda taken from Mah-chow Wong's books and this transaction with Mr. Stace, referred to by Tung Alok, are one and the same thing, the difference of \$100 having probably been paid to Mr. Stace in cash.

If as Tung Alok says (and as was most probably the case) the title deeds of the lot in question were deposited with Mr. Stace—the latter must have had Wong Achaong before him—for, as a lawyer, he would scarcely receive from Mah-chow Wong as security for \$400 Title deeds of ground standing in the name of Wong Achaong without either seeing the owner, or satisfying himself that Mah-chow Wong had the right and authority to deposit them.

But the most likely explanation is, that as Wong Achaong was a stranger, and as Mah-chow Wong was well known to Mr. Stace,—Mah-chow Wong was *himself* surety to Mr. Stace for this \$400, and therefore would naturally enter it in his books accordingly as money borrowed by Wong Achaong from Mr. Stace, and for which he, Mah-chow Wong, was surety.

Mr. May's concluding words in this entry "*for which Mr. Stace is security*"—are simply absurd, and is most probably a mis-translation. How could Mr. Stace be security to himself for his own loan.

That this entry could not possibly refer to any other Wong Achaong than the Swatow merchant must I think be conceded. It could not have referred to Mah-chow Wong's son, for what necessity was there for Mah-chow Wong to keep an account with his own son; and that son a child of the tender age of six years.

Will it be said then that Mah-chow Wong made this entry in his Books purposely to meet Shum Ahing's assertion that no such person as Wong Achaong existed? In that case Mah-chow Wong must in 1856 have foreseen his own conviction—the seizure of his books—their examination—the whole case of kidnapping—Shum Ahing's conviction—the Duke of Newcastle's instructions for this Inquiry and Mr. Murrow's championship of the wily convict.

No! the only fair, just and reasonable construction of this entry is, that it exhibits a faithful and unpremeditated record of a *bonâ fide* transaction between the parties referred to, that is, Wong Achaong of Swatow the owner of the ground and borrower of the money,—Mr. Stace the creditor, and Mah-chow Wong the surety, and I feel pretty confident, if Mr. Stace were here, he would confirm it.

I respectfully submit, therefore, that notwithstanding the difficulties I had to encounter, I have succeeded in producing before the Council abundant and conclusive evidence to satisfy any impartial Jury of the existence of Wong Achaong.

There are no fewer than five witnesses who speak to a direct personal knowledge of Wong Achaong.

1. *Chok Lum*—or *See-ko* the Cup-chi Capitalist referred to by Shum Ahing himself.
2. *Lou Ashu*, another Capitalist, who lent Wong Achaong \$2,000 on the mortgage of his premises.
3. *Ching Ayun*, the accountant of the Hong, in which Wong Achaong was a partner, and who was engaged by Shum Ahing himself as he admits.
4. *Su Asum*, the wife of Mah-chow Wong, who knew of the purchase of the ground by her husband for Wong Achaong, and who paid the ground rent out of money which Wong Achaong himself had given her.
5. *Mun Achung*, servant woman of the last witness referred to by Shum Ahing himself as the medium of communication between himself and Mah-chow Wong's wife; besides Coo Aping and Chun Akwong, whose evidence the Council may not feel disposed to admit, as some of their statements appeared irreconcilable, and I therefore do not myself press it into their consideration.

In addition to the above there is my own personal acquaintance with Wong Achaong whom I saw execute the Assignment and Memorial in presence of Mr. Power, and there is the distinct statement of Mr. Power himself that—although he did not personally know Wong Achaong—*both* parties to the Deeds, the Assignor and Assignee, were present at the same time, and signed the Assignment and Memorial in his presence.

If the Council were to adopt the bare, unsupported statement of the Convict Shum Ahing that the property was his, and that Mah-chow Wong put it into his son's name instead of his own, and that there was no such person as Wong Achaong one of the

partners in the Hong the business of which Shum Ahing managed, the Council must believe that I was a party to the fraud, and that some other person was put forward to represent the son to sign the name of Wong Achaong to the assignment and Memorial;—and I would respectfully ask, what possible motive I could have had in making myself a party to so colourable a transaction.

Although I was *not* in the service at the time that I attested the assignment as a witness, yet in my previous capacity as General Interpreter, and since my return to the service in the Office of Protector of Chinese, I have been witness to numerous documents belonging to Chinese in the Colony representing all manner of transactions—they have the impression that my attestation conveys a safety and security to the instrument, which no other act could give it—and from the certainty of being understood from my familiarity with their language and customs, they resort to me sooner than they would to any other public officer in the Colony, irrespective of their knowledge that the Protector of Chinese is the Officer appointed by the Government for their especial interests and protection.

To adopt the suggestion of Shum Ahing, the Council must believe also that *the whole* of the witnesses produced before them who have spoken to their personal knowledge of Wong Achaong, have stated what was grossly false, and that they must have been induced to do so at my instigation.

See-ko the Cup-chi merchant, is not a witness of my getting up.—He was Shum Ahing's most trusted supporter—the person he put forward as joint owner with himself of the disputed premises, who, he said, sent down the money from Cup-chi to build them,—whom he called his brother—but whom he never for one moment expected to be confronted with in Hongkong, and who never would have been here had I not brought him down myself. He tells the Council that he knew Shum Ahing, that he was no brother of his—that he did not, and never did own the House and ground in question—that he never sent money to build the premises, but that he believed they belonged to Wong Achaong, whom he knew personally, who was in partnership with his fifth brother Lee-chuk-chee, and who told him that the property was his. The Council must have observed how clearly, consistently and unhesitatingly this old man gave his evidence, and how all the attempts to shake it failed, and if they suppose that he was telling them things which he knew to be false, some reason must be assigned for his doing so.

Had he been disposed to say what was false, he had an excellent opportunity of doing so. He had only to support Shum Ahing's statement about the property being his and Shum Ahing's, and that it was built with his money, and he might have succeeded in securing a very valuable property, Wong Achaong being dead and Mah-chow Wong out of the way.

It was remarked by the Council that it was strange that Wong Achaong should not have been more known in the Colony, and that the persons to whom he was known should only have seen him once.

To this I would reply that Wong Achaong being established at Swatow made only occasional visits to the Colony, passing through in his junks, and not remaining long each time. It would seem that he lived on board his junks, and was scarcely likely to be known out of his Hong. The wonder is, not that so few witnesses have spoken to him, but that I should have succeeded in obtaining so many who could speak to a personal knowledge of him; of the two men who knew him best, one is out of the Colony, Mah-chow Wong, and it suits the interests of the other, Shum Ahing, to deny his existence altogether.

I will not add to the length of this already lengthy part of my remarks by reviewing the evidence of the other witnesses who have spoken to a personal knowledge of Wong Achaong, but there it stands on the Minutes of the Council uncontradicted and unimpeached *except* by the naked statement of a dishonest, truthless and disreputable man, undergoing his sentence of four years imprisonment for heartlessly deceiving and entrapping no less than 45 unfortunate men, strangers and penniless, who trusted to his promises of protection and assistance for the means of returning to their homes and families, but whom he sold into slavery in the Barracoons of Macao, from whence nearly all were shipped to Cuba, where if they are still alive, they are expiating their misplaced confidence, as slaves on the sugar estates.

Has this man brought forward, named or indicated a single individual in the Colony —(in which he says he has been a resident for 13 years)—to confirm or support any one of his numerous allegations, either about myself—my wife—See-ko—the House and ground, &c., &c.? Yes he has! He was required by the Council to give in the names of every witness he knew of, who could confirm his statements. He gave the names of two persons (page 37) who, he said, could give evidence on *one* of the matters referred to. The Council directed Mr. Rozario, the interpreter,* to call upon these men, and ascertain whether they could confirm Shum Ahing's statement. The Interpreter saw the men, and must have reported the result of his mission as unsuccessful, and the two men were not called. Now it would have been fairer towards me if the Council had directed these men to be brought before them and given me the benefit to their *contradiction* of Shum Ahing's statement; especially when it is considered, that had those men stated any thing to the Interpreter which would have given *confirmation* to Shum Ahing's statements, they *would* have been produced-*against* me.

Will the Council therefore come to the conclusion that no such person as Wong Achaong the Swatow merchant ever existed against the direct testimony of no less than seven disinterested witnesses who all testify to their personal knowledge and acquaintance with the man,—upon the naked and unsupported assertion of a convicted coolie broker undergoing his sentence of imprisonment, who has had a hope of pardon held out to him and who has in so many instances contradicted himself in his statements before the Council, and whom my accuser himself has said (although he puts him forward against me) that he does not believe.

Notwithstanding the length to which this paper has extended, and the probability that I may have omitted to notice some of the matters which have incidentally arisen in the course of this Inquiry, I cannot refrain, late as it is, from making allusion to one other circumstance which has recently occurred, as shewing, firstly; that the Convict Shum Ahing has been buoyed up by a hope of pardon;—secondly; that such hope has been strengthened by the acts of Mr. Murrow;—thirdly; the unscrupulousness of my accuser; and fourthly; the danger of clothing such a person with authority to go into the Gaol among the convicts imprisoned there, to procure evidence against me.

It was in consequence of the act of the Council in granting this authority to Mr. Murrow when I was in the middle of my defence, that I declined to proceed any further therein, or to give any further attendance before the Council.

I considered that to permit communication with such men at all, *previous* to producing them before the Council for examination, was, to say the least of it, imprudent, if not positively unfair towards me;—but to accord that authority to my accuser, whose animus against me has been exhibited in the strongest manner before the Council, and unblushingly blazoned to the Colony in almost every issue of his own newspaper since the commencement of this Inquiry; I say, to accord that authority to my vindictive and unprincipled accuser, was an act of injustice to me that I scarcely expected (even with all its bias against me) the Council would have sanctioned. But it was done. I said at the time that neither the presence of the Governor of the Gaol, nor that of the interpreter, would prevent Mr. Murrow from putting such questions to the prisoners as would pretty clearly indicate *what was wanted*;—and to men of Shum Ahing's stamp, that would be sufficient.

On the proceedings of the Council, under date the 2nd February, I find it stated:

“Mr. Murrow being called on for a report of his interview with Shum Ahing stated “he had seen him that morning. The name of the other Convict referred to by “Shum Ahing was Laong-kwok-shee, who was sentenced to fifteen years' transportation “in Mr. Davies' sugar case. He was many years in Mah-chow Wong's employ as a “seacunny and knows much of his affairs. Was then on the roads. Mr. Scott [the “Governor of the Gaol] offered to send for him, but as the Council sat at noon there “was not time.” Then there is a statement by Mr. Murrow of what Shum Ahing told him.

This statement was made by Mr. Murrow to the Council on the 2nd February when I was present and heard it, so was the Reporter to the China Mail, who took it down, and it was printed in the China Mail of the 7th February. As was customary with the Council, the Minutes of the Proceedings of the 2nd were read over at its next sitting on the 4th February and corrected. I was *not* present on the 4th of February, but when I received the printed copy of the Minutes containing Mr. Murrow's

statement, I was astonished to find in it statements referring to Mrs. Caldwell and myself, which he *never* mentioned on the 2nd, and which were not to be found in the China Mail's report of that day's proceedings. Suspecting that Mr. Murrow had, as usual, been guilty of falsehood which he thought would not be discovered, I called upon Mr. Scott, the Governor of the Gaol, who was present at the interview between Mr. Murrow and Shum Ahing, shewed him Mr. Murrow's statement, and asked him if the Convict had mentioned what appeared therein as stated by Mr. Murrow. Mr. Scott not only pointed out passages in Mr. Murrow's statement which Shum Ahing never mentioned; but told me other circumstances which occurred at that interview, and elsewhere, which induced me, when I went home, to address the following letter to him:

VICTORIA, 23rd March, 1861.

DEAR SIR,—With reference to our conversation to-day on the subject of Mr. Tarrant's intimacy with Shum Ahing in Gaol during the time the former was a Prisoner on the Criminal side of the Gaol, and Mr. Murrow's 2nd visit to the Gaol, I have put down here the substance of what you said, as far as my recollection serves me.

You said that during the time Mr. Tarrant was in the Criminal Gaol, you had on several occasions observed his great intimacy with Shum Ahing, and the frequent close conversations he had with him,—that you had observed, on more than one occasion, Mr. Tarrant conversing with Shum Ahing in the most friendly way, with his arm around Shum Ahing's neck; that as Mr. Tarrant had complained to the authorities of being placed with Criminals, you thought it was strange that Mr. Tarrant should be on such friendly terms with one of those criminals, and that you had more than once separated them.

You said also, you were present on Mr. Murrow's second visit to the Gaol to Shum Ahing—that during Mr. Murrow's conversation with Shum Ahing you heard him tell Shum Ahing that he must see the other convict Laong Kwok-shee again, and to ascertain from him all that he could state about the subject matters of the Inquiry, and to be prepared to communicate the same to him, Mr. Murrow, on his next visit. You said also that you heard Mr. Murrow tell Shum Ahing that unless he told the truth there was no chance of his getting a *pardon*, and that Mr. Murrow repeated this part about the pardon a second time with emphasis.

You also told me that on Mr. Murrow's *first* visit you were informed by the European Clerk, that Mr. Murrow had used similar expressions on that occasion to Shum Ahing about his pardon.

You likewise mentioned to me that on the 25th January you received an official letter from the Colonial Secretary directing you to permit Mr. Murrow to see Shum Ahing, and another prisoner, and that as he might wish to see *other prisoners* besides these, that he was to be permitted to do so.

I will feel obliged to you if you will have the goodness to say if the above is a true statement of the substance of what you mentioned to me.

I beg to hand you also a copy of Mr. Murrow's report to the Council of his interview with Shum Ahing on his second visit, and will feel obliged to you if you will have the goodness to read it over, and say if it gives a correct account of the statements made by Shum Ahing at that interview or not.—Yours, &c.,

D. R. CALDWELL.

To this letter Mr. Scott two days after sent the following reply, the original of which I beg to annex.—

25th March, 1861.

DEAR SIR,—Your statement of the substance of our conversation on the 23rd instant, is correct, and I am ready to verify the same.

I have read over the report of what is said to have passed between Mr. Murrow and the Convict 'Shum Ahing' on the 2nd February last—the date of the 2nd interview; I have no recollection of 'Shum Ahing's' having said that 'Lum Ateen' used to teach music, and that he had taught Mrs. Caldwell and her sister Shup-lock; neither do I believe that 'Shum Ahing' mentioned Mr. Caldwell, where it is said that Mr. and Mrs. Caldwell, also Shup-lock, employed him (meaning 'Lum Ateen') as their Agent; nor did 'Shum Ahing' use the word *Agent*, until Mr. Murrow put it into his mouth; nor yet did 'Shum Ahing' mention Mr. Caldwell's name, where it is said that 'Lum Ateen' lives with Assow of the Land Office, but calls upon Mr. and Mrs. Caldwell every day.

I was present during the whole time of the interview, and with the foregoing exception I think the report is generally correct; that is to say, so much as was taken down of what passed, but *much more was said* at the interview, than appears in the report.

Mr. Murrow's parting words to Shum Ahing were, see 'Laong-kwok-shee' between this and my next visit and tell him he is then to let me know all about it; I thought this very unfair as 'Shum Ahing' had already recounted to Mr. Murrow, all that 'Laong-kwok-shee' had said; Mr. Murrow then said to 'Shum Ahing,' remember that you have no chance of a pardon except you speak the truth, this was repeated, with emphasis, which terminated the interview.

I shall have mentioned the foregoing to you, but having heard that you had resigned office, I thought there would be no further Enquiry.—I remain, dear sir, yours, &c.,

J. SCOTT.

Comment here is needless. If the Council still fail to perceive the *modus operandi* by which the Convict Shum Ahing,—the tentative witness,—has been put forward against me, anything that I can say to enable them to do so, would be of little avail.

I have now replied to the whole of the charges which have been under investigation by the Council, and I feel conscious of having fully met, explained or refuted them in a manner that ought to ensure me, at the hands of an unbiassed tribunal, a full and entire acquittal of them all.

I have had difficulties to contend against, obstacles to encounter and discouragements to overcome, which were most trying and dispiriting. With a subtle and vindictive accuser, who has been unflagging in his persecutions towards me from the time of the suppression by me of his Barracoon to the present moment;—who has most industriously collected from the Hongkong Blue Book, the printed evidence of the Inquiry held in 1858, Official Correspondence, Police Depositions and other sources, every scrap of information which he thought might be used to my prejudice;—who was not ashamed to confess, that in putting forward the Convict Shum Ahing as a witness against me he did it as a tentative measure, though he himself did not believe that convict,—and who induced the Council to grant him permission to seek for further evidence among other convicts in Gaol holding out to them the tempting allurements of a pardon to induce them to volunteer evidence against me;—and who has had for his assistant and main witness the same individual who in 1858 so powerfully aided Mr. Chisholm Anstey in his iniquitous proceedings against me. I mean Mr. May the then Superintendent of Police now Acting Assistant Magistrate, a man accomplished in the art of dissimulation and falsehood, who, from jealousy and envy has done his utmost to have me removed from the service (whose moral character will be found faithfully depicted in the evidence given by the Acting Colonial Secretary at the Inquiry in 1858, (page 20) to which I respectfully crave reference;—) and who stated before the Council, at its first Meeting, with a shew of disinterestedness, that he had no charges to make against me, and would only answer questions, but who afterwards became as active in this prosecution, and as prolific in his denunciation against me as my accuser himself;—when I add, that I have had to cope with these two formidable opponents, unaided and unsupported, and that, from the course pursued towards me and my witnesses by the two leading members of the Honorable Council, I have been unable to dispossess my mind of the belief that a strong prejudice existed against me; I feel, that had it not been for the consciousness of my innocence, and the conviction that I possessed a strong and complete defence to every thing that was alleged against me, I must have succumbed under the pressure borne upon me, and allowed myself to be made a victim to the insatiable animosity of an unprincipled accuser and thrice convicted libeller.

If the proceedings of my accuser partook of the nature of the persecution, those of the Council, I regret to say, were any thing but fair and equitable to an accused and undefended public officer, greatly restrained in the free expression of his opinions by the subordinate and dependent position in which he stood with reference to those who sat as his judges. I may be excused for making reference to at least one instance in proof of this.

On the 16th November at the opening of the Meeting of the Council, His Excellency the Governor made a statement which caused me no little surprise and pain. I quote from the printed Minutes of that day (page 38.) :

“The Governor said he had a statement to make to the Council in reference to “some information which he had obtained since the last Meeting;”—The substance of which was that the times of the payments of the *ground* rent of the premises belonging to Wong Achaong, having been stated differently by the different witnesses examined, or not being clear to His Excellency’s mind; “The question arose who paid Wong Achaong’s ground rent to Tchow-wun-yoong, the lessee, for June and December 1858. “*Mr. May* had accordingly been directed by the Governor to *find out* Tchow-wun-yoong, and bring him with an interpreter to the Government Offices to be examined. “He did so, and Tchow-wun-yoong made the following statement;”—which His Excellency read; as also a statement sent in to His Excellency by *Mr. May*.

I have no doubt that in employing *Mr. May* to search for this witness and in examining him in the manner he did, instead of before the Council, and in my presence, His Excellency felt that he was doing what was right, and that the proceeding was quite in accordance with His Excellency’s sense of impartiality as a Judge; but I could not help feeling that the act of taking evidence behind my back, having reference to an important and delicate branch of the Inquiry as affecting myself, and in the absence of the other members of the Council, and also in employing *Mr. May* as the medium of communication,—the very last man that ought to have been entrusted with such a mission, was not consistent with that fairness and even handed justice usually extended, by British tribunals at least, to an accused on his trial.

D. R. CALDWELL.

MR. CALDWELL'S SUPPLEMENTARY DEFENCE.

Mr. Murrow made an artful and labored attempt to shew that the expedition under the Command of Captain Wynniatt was despatched from the Colony in consequence of the Piracy in which See-ko lost his brother when on his way from Swatow.

Nothing could be further from the truth than this. In the latter part of the month of March 1859 a petition was brought to me from the *Wing-foong* Hong of Hongkong (which petition is now before the Council) representing that two treading Junks laden with Sugar from Cup-chi, consigned to the Petitioner's Hong in Hongkong, had been attacked, one of which had been captured and plundered of Sugar to the value of \$3,000, the other Junk escaping. The Petition stated that the attack took place on the 20th day of the 2nd moon (24th March) that the pirate fleet consisted of *three Tor boats* and that the locality was near Yüt-mee-shan.

I must state here that a short time previous, three Tor boats belonging to Aberdeen, had been captured in the vicinity of Hongkong by a fleet of Junks under the noted Piratical Chief Mo-me-ma, and upon information being given of the same an expedition was sent to endeavor to recover them and punish the pirates, but returned unsuccessful. Other piracies had also been reported during that month, in all of which the name of Mo-me-ma was mentioned as being the head of the pirates, and it appeared clear to me, from the inquiries made into the case reported in the petition, that the three captured Aberdeen Tor boats had been converted into pirate vessels and formed a detached squadron of Mo-me-ma's fleet.

Having reported all these circumstances to the Colonial Secretary, the Senior Naval Officer was communicated with, and the expedition under Captain Wynniatt was arranged to proceed in search of the pirates. I was directed to accompany it, and we took with us the owners of the Aberdeen boats to enable us to identify the Tor boats should we meet with them.

We first went to the Lema and searched that and the adjacent Islands, we afterwards proceeded all along the Coast and into the bays to the Eastward of Hongkong, but not succeeding in finding any traces of the pirates, we went to Cup-chi, the place from which the two Junks had started. It was on our arrival *here* that we *first* heard of the other piracy in which See-ko lost his brother, on his way from Swatow to Cup-chi, and which took place, according to See-ko's statement, on the 26th day of the 2nd moon (30th March)—six days after the occurrence of the piracy, in search of the perpetrators of which, the expedition we were engaged in was despatched from Hongkong. The expedition left Hongkong early on the morning of the 2nd of April, and it was almost impossible, therefore, at that time of the year, that we could have received information from Cup-chi of the piracy committed on the 30th March between Swatow and Cup-chi, to have inquired into it, to have reported it to the Government, to have made the necessary official communication to the Senior Naval Officer, to have arranged the expedition consisting of three vessels of war, and to have obtained the owners of the Tor boats from Aberdeen so as to have left Hongkong early on the 2nd of April. The Swatow piracy having occurred on the 30th, information could not have reached Cup-chi until the following day, and even allowing that information had been despatched to Hongkong from Cup-chi on the *same day*, it would take a native boat at that time of the year probably two full days to reach Hongkong. Indeed See-ko himself says in his evidence, that when he sent information of this piracy to Hongkong I was absent.

When we arrived at Cup-chi we were informed by See-ko of the piratical attack in which he lost his brother. It had occurred so recently that he was still absorbed in grief, and shed tears when describing the occurrence. From his description it appeared that the piratical fleet consisted of *seven* Junks (see Captain Wynniatt's despatch), and he described it as being the fleet of the noted Mo-me-ma. He said he knew where the

pirates were, and as it was almost certain that the three Tor boats we left Hongkong in search of, had joined their chief's main fleet and formed part of the seven Junks described by See-ko as having attacked his brother's Junk, we gladly availed of See-ko's offer to shew us where the pirates were, that being all we cared about. We proceeded to Chee-lang Point and there learnt that the piratical fleet had left that place about half a day before our arrival. Disappointed in this, and learning from See-ko that the Sugar which had been taken by the Pirates out of the Junk, in which his brother had been killed had been landed at Hootong—that this place was nothing less than a pirate haunt the same as Koolan, and that in fact the pirates in both cases belonged to one and the same chief and the same fleet, and being unwilling to return to Hongkong without having effected some service, Captain Wynniatt determined to proceed to that place and endeavor to get back the Sugar. The people of the place acknowledge that the Sugar had been landed there though they refused to give it up, and Captain Wynniatt then adopted the proceedings which are detailed in his despatch.

A forced construction was attempted to be put upon the opening words of Captain Wynniatt's despatch ("In obedience to your orders I proceeded in company with H. M. Gunboats *Forrester* and *Janus* to Cup-chi,") as shewing that his orders were to proceed *direct* to Cup-chi and that *therefore* he must have gone there on account of the piracy in which See-ko lost his brother! I do not know what Captain Wynniatt's orders were, but this I do know, that when we left Hongkong nothing was known to me to Captain Wynniatt or to any of the other authorities in Hongkong of the piracy between Swatow and Cup-chi,—and I have already shewn that it was most unlikely that information of that particular piracy could have been brought to Hongkong before the morning of the 2nd April. So far from proceeding *direct* to Cup-chi, we were occupied two days in searching the Coast, and did not put into Cup-chi until all other exertions to find the pirates had failed. As it was at Cup-chi that Captain Wynniatt obtained all the information which led to his subsequent proceedings, he would naturally, in detailing these proceedings in his despatch, use the words "I proceeded in company with the Gunboats to Cup-chi."

The Council appeared to consider it strange that upon the bare statement of a Chinaman who had nothing to do with the Colony, I should have asked the assistance of men of war to go in search of Pirates.

This was scarcely a fair statement of the fact. In the case referred to, two Junks laden with Sugar *bound for Hongkong*, had been attacked on their way down. The Hong to which the Sugar was consigned was a Hong established *in the Colony*. The piratical attack on these Junks was therefore an obstruction to the trade of the Colony, which I have always understood it to be the special duty of the men of war stationed here to prevent. The report made to me stated that the piracy had been committed by *three Tor boats*, and from the description given, I had every reason to believe that they were the same Tor boats which had been committing other piracies previously reported, the Tor boats themselves being the property of some of *our own Colonists* settled at Aberdeen, from whom they had, but a short time before, been taken by the fleet under Mo-me-ma and converted into pirate vessels. So convinced was I of this, that I took with me, on the expedition under Captain Wynniatt, the Aberdeen owners to identify the boats should we happen to meet with them.

I give here the evidence of Lieutenant Innes, who commanded the *Forrester* in the expedition under Captain Wynniatt, which shews *first*, that we did not go direct to Cup-chi—*second*, that it was only on our arrival at that place that we heard of the Piracy between Swatow and Cup-chi in which See-ko lost his brother—*third*, that my duty on the expedition was to obtain information and act as Interpreter, but that the authority to give orders devolves on the Senior Officer, who acts upon his own discretion—and *fourth*, that the vessels we went in search of, I described, at the time, as having peculiarly cut sails, which means sails peculiar to Tor boats,—the cut of their sails being different, as every one knows who have any experience in these matters, from the sails of ordinary Junks.

Lieutenant Innes, of H. M. Gunboat *Leven*, examined by Mr. Caldwell, stated, that early in 1859 he was in command of the *Forrester*. On the 2nd April left Hongkong under orders of Commander Wynniatt of the *Nimrod* to search for Pirates between Hongkong and Kup-chee. After leaving Hongkong they proceeded to search the Lema Islands, and then the Islands between Mirs' and Bias' Bays—from thence proceeded along the Coast into Chimo Bay, in consequence of stress of weather—which Bay was also searched. They then called off Hutung, and then on to Kup-chee, where a head man of the Village came off and gave information that the Pirates had been there and had murdered his brother and nephew—but had left and were supposed to be in the neighbourhood of Chee-lang Point. They proceeded there and ascertained that

the Pirates had only left 12 hours before; from that place they proceeded to Bias' Bay which was searched, and afterwards went up the Coast again to Hutung where they landed. Understood that Mr. Caldwell was generally present on expeditions of the kind as Interpreter, and to give information. The authority to give orders devolved upon the Senior Officer. Would always have acted upon his own discretion upon the information received from Mr. Caldwell; thought Mr. Caldwell used every exertion to find the fleet of Pirates. Believed there was a promise to pay indemnity at Hutung to the Elder of Kup-chee, but did not know if any money passed. He understood that the stolen property was in the Town when the party landed. Had been out on other occasions with other Interpreters, who always acted in the same way as Mr. Caldwell. Left this on the Kup-chee Expedition about 6 o'clock in the morning. If a Piracy had been reported to him as having occurred at Kup-chee, he would have gone into the Bays on the way up. Always knew Pirate Junks by the number of guns and general appearance, but in this case Mr. Caldwell described these Junks as having peculiarly cut sails. Believed the Junks which committed the Piracy upon the Elder of Kup-chee were the same as they left Hongkong to capture. When the Elder went on board he seemed in great distress. When the Elder's case was decided by his receiving promise of compensation, they returned straight to Hongkong.

In page 19 of the Minutes will be found a repetition of the attempt made by Mr. May at the Inquiry in 1858 to fasten upon me a misappropriation, under the supposed influence of Mah-chow Wong, of some Gold Dust which had been stolen by pirates from some returned Emigrants from Australia. It was attempted by Mr. May to connect an entry in the Mah-chow Wong Memoranda with this transaction, though I do not myself see the particular application which the one bears to the other.

The facts of that case are simply as follow:—

About 65 Taels of the Gold Dust stolen from the Emigrants were found on the persons of the pirates, and were taken possession of by the Police. After the conviction of the offenders, application was made by the persons robbed for the return of their Gold Dust. As usual, this application was made by a Chinese Petition, which was brought to me and which I, as usual, sent in to the Government for orders. Mr. May who had possession of the Gold Dust, was communicated with, and he objected to the rendition of the Gold Dust on the ground, that as the persons to whom it belonged had failed to come forward to prosecute the offenders, they deserved to lose their property. The Governor and the Acting Colonial Secretary entertaining very different ideas as to the distinction between *meum* and *tuum* ordered the Gold Dust to be returned to the Petitioners, and, at Mr. May's request, I was directed to see this done. Finding from Mr. May's statement to myself, and a reference to the depositions, that the number of persons entitled to share in the Gold Dust was 21, and as these were not all present, I required that they should all be present, but if that was impracticable the absent persons should send some duly authorized representatives to receive their portion; and to make the matter still more secure, I required that security should be given in case of disputes hereafter. The security of two resident shopkeepers having been given, I obtained the Gold Dust from the Police, and delivered it to the applicants, taking their receipt for the same, reserving seven taels for the boatmen, which I gave over to the Assistant Superintendent of Police, Mr. Grand-Pré, to keep until the boatmen should apply for it.

About a fortnight after this, the boatmen's portion of seven taels was delivered over to them, and in this instance also I took security to provide against after claims,—and I then delivered the whole of the papers connected with the Gold Dust, including receipts and guarantees, to Mr. May personally at his Office. From first to last Mah-chow Wong never interfered in the matter, and never appeared in it, and Mr. May's statement that he did so is entirely without foundation.

Mr. May denied at the Inquiry in 1858 that he ever received these papers from me, but I have a most distinct recollection of having put them on Mr. May's desk in his office, where he was at the time writing, and placed the end of a tray, that lay on his desk, upon them to prevent their being blown off by the wind. The Council seemed to think it strange that I should have given up these papers to Mr. May. I did so because it was Mr. May's affair, and not mine. The Gold Dust was under his charge, it was a Police matter, and in no way connected with the Registrar General's Department, and it was only in consequence of Mr. May's objection to giving up the Gold Dust to the applicants, that, at his own suggestion, the Acting Colonial Secretary directed me to make the delivery, and I think the following correspondence will pretty clearly shew that I *had* delivered up the papers to Mr. May.

Some short time after the delivery of the Gold Dust had taken place, a man applied to Mr. May stating that he was one of the passengers who had been robbed, and that he had not received his portion of the Gold Dust. Mr. May referred him to me, and to

enable me to make inquiry into the man's claim, I wrote the following note to Mr. May, which was produced by Mr. May himself at the previous Inquiry on the 18th June, 1858.

DEAR SIR,—In order to enable me to satisfy the man, I must beg you will let me have a look at the security papers which I took from the parties at the time the Gold was given up and which I gave over to you in your office at the Police Station.—Your's truly,

D. R. CALDWELL.

29th.

This note bears date the 29th only, but it was written either in the month of May or June 1857.

Mr. May thereupon wrote on the back of my note, the following to Mr. Grand-Pré, the Assistant Superintendent of Police:—

DEAR GRAND-PRÉ,—Here is an applicant for some of the Gold Dust. Caldwell says that the papers are at the Superintendent's Office. Will you kindly get them for me.—Your's

(Signed) C. MAY.

to which Mr. Grand-Pré replied on the same paper as follows:—

DEAR MR. MAY,—I really cannot find the paper you require. I have been hunting for it and I have been to Caldwell and he tells me he gave it to you, so I don't know where you have put it.—Your's truly,

(Signed) A. GRAND-PRÉ.

Unless I had given these papers to Mr. May is it likely that I would have written to him so soon afterwards to send them back to me? At the time I delivered these papers to Mr. May, we were still on friendly terms, that is, he had not then thrown off his mark of assumed friendship and exhibited himself in his true character—certainly I never could have dreamed that he would have displayed one-fiftieth part of the malignity and bitter hatred he has since shewn towards me, or I should have adopted some greater caution in my dealings with him, public as well as private.

I may add here that on enquiry into the claims of Mr. May's applicant it was found that he had not lost any Gold Dust at all, and never possessed any. He had been robbed of his money, but being under the impression that the whole of the sufferers in that affair were to participate in the division of the Gold Dust, he had come for his share also. This the man stated himself in the presence of the sureties, one of whom was Foong-shan, the present Chinese Clerk and Shroff of the Supreme Court, a man who Mr. May must have been in the habit of seeing almost every day, as Sheriff.

I made a strict search amongst the papers in my office and the only one that I could find, having reference to this matter, was the authority of the absent men to their comrades to receive their share for them, and which must have remained in the office by mistake. The circumstance of Mr. May having mislaid the papers, scarcely justified his statement that he never received them, but that is not a matter for surprise considering the many instances of unjustifiable assertion I have shewn Mr. May to have been guilty of, during the progress of this paper.

I refer to this matter of the Gold Dust not so much to disprove the unfounded imputation that I had, through the alleged interference of Mah-chow Wong, delivered the Gold Dust to persons who were not entitled to receive it, of which there is not a title of proof, as, to shew once more the untrustworthiness of Mr. May's statements.

Mr. May stated in his evidence before the Commission in 1858.—

I urged strongly that the property should not be given up as it would be a dangerous precedent. I was overruled and *I then asked permission* to deliver the Gold Dust to Mr. Caldwell *so that upon his shoulders* should rest the entire responsibility of its rendition to the claimants. This was assented to, and *I subsequently delivered to Mr. Caldwell at the Central Police Station* the whole of the Gold Dust, excepting a very small quantity—7 Taels—which was reserved for certain of the boat-people who had had it in their custody and been actually witnesses in the case. *When I so delivered the Gold Dust to Mr. Caldwell* I observed to him, I am indignant at this proceeding—*there is the Gold Dust*, I wash my hands of it altogether. I think you will have very great difficulty in finding out whether they are emigrants or not, but it rests upon your shoulders. Mr. Caldwell replied, I'll take very good care to obtain good security, *but at all events Jack will take care of me*. At that time I was standing in the Registration Office at the Central Police Station, and saw Mah-chow Wong come into the office with five or six Chinamen whom I understood to be recipients of the Gold Dust. Some short time afterwards I got a note from Mr. Caldwell asking me to give him the remaining seven taels of Gold Dust, and I did so. *I sent an order* I think to Mr. Grand-Pré to deliver the seven taels to Mr. Caldwell.

There is nothing very important in this extract from Mr. May's evidence except the gross falsehoods contained in it.

In the first place Mr. May *never* delivered the Gold Dust to me as he states. It was Mr. Grand-Pré who delivered it to me, Mr. May not even being present at the delivery. Mr. May *did not*, as he states, reserve seven taels for the boatmen, but it was I who made the calculation of the division, after receiving the whole quantity, and returned seven taels of it to Mr. Grand-Pré for the boatmen.

Mr. Grand-Pré in his evidence before the Commission of Inquiry in 1858 stated—"I got an order from Mr. May to give it [the Gold Dust] up. Mr. May said to me 'you may give up the Gold Dust to Mr. Caldwell.'" "The Gold Dust was brought into that room [the Registrar General's Office] *by me* and delivered to Mr. Caldwell. "When I so delivered the Gold Dust, there were, *besides myself and Mr. Caldwell, two Chinese Clerks present in the office.* I do not know if Mr. May was present and do not think he was." "I think it very likely *Mr. May was upstairs in his room when the Gold Dust was delivered.* After the Gold Dust was weighed *seven taels were returned to me by Mr. Caldwell.*" It is clear from Mr. Grand-Pré's evidence that Mr. May not only *did not* deliver the Gold Dust to me, as he states, but that the pretty "indignation" speech which Mr. May states he delivered on the occasion, was one of his inventions made for the purpose of introducing the name of Mah-chow Wong in the matter—as was also the expression attributed to me of "Jack will take care of me," (which I most solemnly declare I never made use of on any occasion whatever), and could only have been introduced by Mr. May in his evidence, to give a color to his insinuation, that instead of the Gold Dust being delivered to the rightful owners it went into Mah-chow Wong's pocket.

It is a most unlikely thing if the Gold Dust was delivered to parties who had no right to it, that *not one* of the 21 rightful owners should ever have come forward to claim his share! I made some effort to procure the attendance of some of these Emigrants, but most of them had returned to Australia. I heard of one of them being in Macao, but he could not be induced to come over, and it was my intention to have gone over to Macao myself to bring him over, but the subsequent proceedings of the Council rendered that step unnecessary.

Mr. May is also incorrect on another point. He said, "I sent an order I think to Mr. Grand-Pré to deliver the *seven taels* to Mr. Caldwell." Mr. Grand-Pré says, "I subsequently delivered the seven taels to Mr. Caldwell *without any order in addition to my first order to deliver to whole.*"

Mr. May also stated that he told me I should "have very great difficulty in finding out whether they [the applicants] were the Emigrants, or not," and that I then replied, "Jack will take care of me." Now there was no question whatever about the *identity* of the applicants, and therefore Mr. May could not have made use of these words; nor was there any occasion for me to use the words he attributes to me of "Jack would take care of me." Dr. Bridges, who was the Acting Colonial Secretary to whom the application for the Gold Dust was preferred, and who ordered the delivery, was examined before the Council, and stated, that "*He never understood the identity of the petitioners with the emigrants who had been plundered to be questioned,* and thought he ordered the Gold Dust to be returned simply because he differed with Mr. May in opinion that the non-appearance of the emigrants as witnesses when summoned was sufficient to justify the withholding of their property."

Another unfounded statement made by Mr. May in reference to this matter was, that "It was stated to me during the progress of the case, and has been stated to me since, and I think Assow the Police Court Interpreter *can say more*, shewing that there was some connection *between some of the prisoners in the Gold Dust robbery and Mah-chow Wong.*" This Assow—Mr. May's own creature—was afterwards called, and stated, "I remember the Gold Dust robbery. *I do not know* that the prisoners brought up were in any way connected with Mah-chow Wong."

Mr. May also stated that at the time he delivered the Gold Dust to me he saw Mah-chow Wong come into my office with some other Chinese: "At that time [when he said *he* delivered the Gold Dust to me] I was standing in the Registration Office at the Central Police Station, and saw Mah-chow Wong come into the office with five or six Chinamen, whom I understood to be recipients of the Gold Dust." As, I think, I have clearly shewn that Mr. May did not deliver the Gold Dust to me, but that it was

Mr. Grand-Pré who did so, and that, as Mr. Grand-Pré correctly states, Mr. May was not present when he so delivered the Gold Dust to me, it follows as a natural corollary, that Mr. May's statement that at the time of the delivery of the Gold Dust to me he saw Mah-chow Wong and some Chinese whom *he understood* (though he does not say from whom) to be the recipients come into my office must be incorrect also.

If any further proof were required to shew the reckless manner in which Mr. May makes assertions, I give Mr. Grand-Pré's statement as to the persons who were present when I received the Gold Dust. "When I so delivered the Gold Dust to Mr. Caldwell there were, besides myself, and Mr. Caldwell, two Chinese Clerks present in the office." Certainly had *Mah-chow Wong* been present—a man so marked and notorious according to Mr. May—Mr. Grand-Pré could not have failed to notice him.

A like lame attempt was made by Mr. Murrow to shew that I had helped certain men to the occupation of certain Fish Lans—which men had been convicted by Mr. Mitchell the Sitting Magistrate of extortion—and that there was some connection between them and Mah-chow Wong.

I do not know whether the Council consider that there was anything in this trumpery charge to call for explanation from me; but since it has been referred to, I will merely state that the Fish Lans in the market are neither let nor assigned by the Registrar General;—that officer merely collects the rents, for which he grants monthly receipts. The Lans are let out by the *Surveyor* General, and though Mr. Cleverly, the present Surveyor General, has evidently forgotten the circumstance, my recollection is, that they were all put up to public competition and drawn for by lot. There were only twelve Lans altogether in the market (only two of which were appropriated for fresh fish), and the applicants for them being so numerous, they could not have been disposed of in any other way. Mr. Scott, the present Governor of the Gaol, was at that time a Clerk in the Land Office. He was present at the assignment of the Lans, and his recollection of the mode of assignment, though not quite so decided, is the same as my own.

As to Mr. Rozario's statement that on his going to the Lan in question "he saw a paper writing stating that it was *Attai's* Lan—that the paper had on it Mr. Caldwell's initials—and that it was shewn to him as the *License* of the Lan," if the man really believed what he said I can only account for it by his ignorance in not being able to distinguish between a Receipt for rent and a License to hold. The former would as a matter of course bear my initials, whilst the latter would have those of Mr. Cleverly. He said further, "I knew that Attai was not the name of the holder of the Lan." That was the name under which Affoo held the Lan at the time that he was prosecuted for extortion, and that is the name of the holder of the Lan at the present time. The Records both of the Registrar General's Office and Surveyor General's Office will shew that Lan No. 4, (the one referred to, by Rozario) was let in July 1858 to Yuen-chaong, and afterwards in September 1858 to Attai, since which time it has continued in the same name.

Although there is no mention made of the circumstance on the Minutes, yet the Council had before it evidence of the extraordinary proceedings which took place at the Police Court in the above prosecution, in reference to which, Mr. May has so gratuitously asserted that I defended and upheld the extortioners, and that both he and Mr. Mitchell "felt *deeply grieved* (!) at my presence in Court during the hearing of the "case." I have no doubt Mr. May would have been better pleased at my absence; but I took no part whatever in the proceedings, I did not appear there for one party more than another. The case was one in which I felt it to be my duty to be present, as it involved a question of a supposed right on the part of the Lan people to continue to exact a Commission on *all* fish coming into the market, as had been the custom before the Government took the management of the markets into its own hands. The continuance of such a demand after the passing of the Ordinance may have been illegal; but the Lan people might have been more leniently dealt with on the ground of their having mistaken their rights. Unfortunately for Mr. Mitchell, instead of following his own judgement, he allowed himself to be influenced by Mr. May, who, conceiving that these Lan people still kept up their connection with his old victim Mah-chow Wong, took a most active part in the proceedings and induced Mr. Mitchell to order the infliction upon the unfortunate Defendants of the illegal and monstrous punishment of *twelve* months imprisonment with hard labor in chains and in addition thereto to be *publicly* flogged!! Not conceiving even this to be sufficient, it was proclaimed aloud in open

Court to the amazed crowd, that every person brought before the Court who was known to have had any connection with Mah-chow Wong would be dealt with in the same way until every one of them was driven out of the Colony!

There was also an incident haste in carrying that sentence into effect, for before the friends of the unfortunate men could seek legal aid to appeal against the infliction of the unwarrantable sentence, the corporal punishment, with all its indignities, had been inflicted upon the Defendants. Mr. May was too wary a man to pass such an illegal and oppressive sentence himself, but he scrupled not to make an instrument of his Brother Magistrate to serve his own ends, and no one who knows the great influence which Mr. May always exercised over Mr. Mitchell, will be surprised that he should have allowed himself to be so grievously misled in this instance, which was treated throughout as another Mah-chow Wong affair. The conviction was afterwards set aside by His Honor the Chief Justice.

A great deal was said by Mr. Murrow during the course of the investigation as to the *terror* which he alleged I exercised over the Chinese of the Colony by means of which I so completely held them in my power that no Chinaman dared to come forward and give evidence against me. Before calling in his witness, Shum Ahing, for examination, he stated to the Council that if I was permitted to remain in the room whilst the witness was giving his evidence he was quite sure the man would be so alarmed that he would not dare to say anything against me! I was requested to withdraw and the man's evidence was taken; but on all the subsequent occasions on which the witness was before the Council when I was confronted with him, did the man exhibit the least symptom of fear? was he not on the contrary bold and confident, and were not his allusions to myself and my wife, and his answers to my questions, given with an insolence of manner which shewed anything but alarm or dread of the person whom Mr. Murrow had invested with such power of intimidation? This would have been still more apparent to the Council had they understood the disrespectful nature of the Chinese words used by the witness in his allusions to myself and my wife. The bold and defiant manner in which this man gave his evidence was a practical contradiction of Mr. Murrow's allegations, and shewed in unmistakeable terms the deception he had practised on the Council.

As a further contradiction of the alleged existence of this terror in the minds of the Chinese of the Colony, I append the following translation of a Petition presented to the Government by the Chinese of the Colony two years ago when I was temporarily absent from the Colony and when it was reported amongst them that I intended leaving the Colony for good.—

The Petition of the [Chinese] merchants and Teepos of the whole of Hongkong, to His Excellency the Governor, praying His Excellency's clear consideration and skilful disposal of the matter [mentioned therein].

During the years which we have peacefully passed under Your Excellency's rule, we have not failed to be deeply sensible of the benefits derived from those who have governed us well—and whilst fearing their dignity we have felt grateful to them. For instance, the late Chief Magistrate Mr. Hillier, and since him Mr. Caldwell the Protector of Chinese, both were thoroughly versed in Chinese affairs, and though firm were yet merciful and kind, and the consequence is that traders and people from all quarters have congregated in this place.

Mr. Caldwell still holds the office of Protector of Chinese and his doing so is the consummation of our wishes and a great blessing. But we have lately seen it rumoured in the newspapers that he is about to resign with the intention of returning home. We cannot but feel deeply concerned at this, and hasten to write in beseeching Your Excellency to be pleased to detain him in office in order that our security may be continued [the attainment of which desire] will cause the people to say in their gladness that they have two heavens over them, and the whole place to be grateful for Your Excellency's favor.

Signed by 918 Merchants, Shopkeepers, and Teepos.

February 1859.

The 918 Merchants and Shopkeepers who signed this Petition comprised all the more respectable and influential men in the Colony, and never had there been presented on any previous occasion, during the existence of the Colony, a public address from the Chinese of the Colony to the Government on any subject whatever, more numerous or more respectably signed.

On the fact of my recent resignation of the service becoming known all the influential Chinese of the Colony held several public meetings at their principal Joss house on the subject of my disconnection with the local Government and resignation of the office of Protector of Chinese. They resulted in the preparation and presentation of numerous signed Petitions to His Excellency the Governor. I do not know the contents of the

Petitions, but believing that they represent the true feelings of the people with regard to myself, I would respectfully request that they may be laid before the Council and recorded on their minutes.

No answer having been given to the Petitioners, and some derogatory remarks having appeared in Mr. Murrow's newspaper as to the manner of its reception, another meeting was held at the Temple, when a public declaration was drawn up, which with an English translation was published in several issues of the China Mail newspaper as an advertisement. The following is the translation.—

A Public Declaration of the Shopkeepers of Hongkong.

It is commonly said, that, having obtained proper men, a state shall flourish; but having lost them, it shall perish; therefore, if a nation obtain proper men, it shall be well governed; and if an empire obtain proper men, it shall be pacified. Just so, when Mr. Caldwell managed the Protectorship of the Chinese here, the people of Hongkong were at rest; it was indeed fortunate not only for a part, but for the whole colony of Hongkong. But having managed the office here for many years, unexpectedly he is envied by created things; for which cause he resigned the office, so that what was fortunate for this Colony before, is now turned unfortunate. Therefore we, Shopkeepers and men of all parts, were uneasy on hearing this, and came together the same day to a public place in the joss-house, without agreeing beforehand, and all expressed as if with one mouth their willingness to put their Seals to a united Petition to His Excellency the Governor, requesting him to retain Mr. Caldwell. The reason that we do not like his resigning the office is, that justice remains in the heart of men. Hitherto he has been able to win the hearts of the Chinese, which has brought this effect. But the Editor of a Newspaper said that we had been deceived by wicked parties, and used by the Te-pos. The question is, Are we sincere men, or men of wicked parties? Are we indeed without knowledge, to be deceived by wicked men? As to the Te-pos, they are recommended by us; shall we on the contrary, be used by them? Now the Editor judges our case by selfish thoughts, wherefore he has greatly erred from our public idea. Probably it is unavoidable among men whether officers or people, but that some envy exists in their heart. Confucius says—"If one loves a person, he wishes him to live; but if he hates him, he wishes him to die;" this is a true saying. The newspaper also said, "that should any persons know anything of Sam-quei's wicked acts, they may come to us and tell us of them, and if any one knows any good of Sam-quei, let him also come." Now we take up the things wherewith Caldwell won the hearts of the people during the time he was in office, and speak of them summarily, that his goods may not be hid and buried. They are such as,—extirpating pirates to quit the sea; arranging matters which caused a stop to the markets, to give peace to trade; these were able to make the Chinese glad and submissive. Other things, such as seizing those that raised fires; releasing those that suffered wrong; encountering troubles and difficulties with courage, for love to his nation, and exposing himself to arrows and stones for kindness to the people: things of such a nature cannot be numbered. Not only do we Shopkeepers know them, but even women and children all know them. Now Mr. Caldwell has merit to his nation, and yet he is blamed; he has favor to the people, and yet he is evil spoken of. Alas! this is what the proverb says, "If a man is satisfied, he will hold his peace, just as when water is even, it will not flow."

KWONG-YUNE HONG,—TAM CHOY.
MAN-LE OAN-KE,—ON YAONG SHUN.
THAI-LOEY,—YAONG CHEW.
FAT-HING,—KWOK ACHONG.
SUN-TEEN-WO,—LAONG CHU.
TOONG-YU,—PIG LAN.
NAM-CHAONG-LOONG HONG.
TSUI-SHING,—WONG PING.

SUEY-CHEONG,—SILK DEALER.
KWONG-HING,—TEA HONG.
SUN-NAM-HING.
SUN-LOONG,—SALT FISH LAN.
WYE-LOONG,—SALT FISH LAN.
WO-HING,—LE LAONG.
SAM-YIK,—GROCER GUILD.
CHOONG-WO-TONG,—DRUGGIST SHOP.

And the whole of the Hongs and Shops of the Colony.

I quote these voluntary manifestations on the part of the Chinese community of Hongkong to shew the utter untruth of the statement, first propagated by Mr. May, and afterwards taken up by Mr. Anstey and Mr. Murrow, that the Chinese of the Colony were held in terror by me,—a statement put forward by these individuals as an excuse for their inability to procure evidence against me.

The fact of my being no longer in the service—that my power was gone—that I was no longer to be feared—was made known to the Chinese by means of Mr. Murrow's Chinese Newspaper, in all those terms of ignominy and abuse, of which that individual is so complete a master. The people were invited to come forward and make complaints against me—they were told that now was the time to do so when my power for injury was gone, and Mr. Murrow offered to give them his personal assistance in laying their grievances before the Governor. Mr. Murrow even attempted to get up a Chinese Petition to the Governor condemnatory of myself, but failed to get a single respectable name to it,—nor was a complaint of any kind brought forward against me, notwithstanding all these efforts, and the ready assistance which, it may naturally be supposed, Mr. May would have rendered to any individual who had a complaint to make against myself. If I had ever practised injury or oppression—had I knowingly countenanced or given encouragement to piracy or pirates or participated in their gains—had I taken bribes—suborned evidence, or committed any other of the numerous offences attributed to me, how is it that not a single individual out of the whole 80,000 of the Chinese

population has come forward to say so—now that they *know* I am no longer a Government Officer, and am powerless for evil? Why have they not availed themselves of the gratuitous services of Mr. Murrow to enable them to lay their grievances before the Governor? Had the people suffered injury at my hands and had I been guilty of the numerous offences attributed to me (and who would know this better than the Chinese themselves) would the people have voluntarily come forward in the manner they have to Petition the Government for my retention in office? No! The fact is, and I say it without the slightest fear of contradiction, that I was the only officer in the service of the Government of this Colony in whom the people had confidence, to whom they could set forth their wants, wishes, grievances and complaints certain of being listened to and assisted, without fear of being snubbed—poo-pooed or driven away. A terror to evil-doers I may have been, for there is not, and never has been, a single European officer either in the Police Force, from Mr. May the Superintendent downwards, or in any other department of the Colony, who has ever been of the slightest use in the detection of crime and criminals except myself—a fact of which the public records bear ample evidence.

As the abusive letter of Mr. Murrow dated the 26th December last, though admitted to a place on the minutes of the Council, contains only that individual's inferences and unsupported statements, and speaks of nothing against myself, within his own knowledge, which could be treated as evidence; and as nearly the whole of the subjects referred to by him have been fully answered in the preceeding remarks, it would be only adding unnecessarily to the length of this already lengthy paper were I to attempt a special reply to it—to point out its numerous untruths—its false deductions—its distortion of facts—its reticence and its fallacies.—I should necessarily have to repeat much of what has already been written and go over much of the same ground again.—I do not conceive therefore that I should be justified in clogging the Minutes of the Council with repetitions in attempting, as I originally intended, a separate reply to what, it must be clear to the mind of any impartial reader, has already received a full and complete refutation in the preceding portions of this paper. ✓

D. R. CALDWELL.

ADDENDA TO MR. CALDWELL'S DEFENCE.

Extracts from the "China Mail" referred to at Page 93 of Mr. Caldwell's Defence.

China Mail, 5th March, 1857.—While pondering over the various accounts of "Coolie Horrors," which from time to time astound us, and blaming the Macao authorities for permitting barracoons to be erected in the Holy City, little did we dream that we should have occasion to refer to a similar slave-depôt as existing within Her Britannic Majesty's Island of Hongkong; but such is the interesting fact, though our miserable police were not aware of it. Mr. Caldwell, however, made the discovery, and on breaking open three small lock-fast tenements near West Point, the property of Mr. William Tarrant, Two Hundred and Thirty-two human beings were found therein impounded, under forcible detention until the coolie-ship was ready to receive them; and though not so densely packed as were the Forty-two in May's "Black Hole" of "15 by 15!" still they were most shamefully overcrowded. His Excellency the Governor, we are glad to learn, personally inspected the premises, and felt horrified at the loathsome state they were in,—the Chinese having been confined there for weeks, without being let out beyond the verandah for any purpose whatever.

The Coolies are stated however to have been placed there only temporarily, in consequence of the building intended for them not being finished; and we are not astonished to learn that a defence of the treatment to which they were subjected has been set up by the person who rented the houses from Mr. Tarrant,—great stress being laid upon the fact of all the coolies, though under lock and key, and with the venetians securely nailed, being in charge of a single keeper; nor will it be matter of surprise that Mr. Police Superintendent May's expressed opinion is, that the men had "abundance" of room. Of course the approval of the contract by the Emigration Agent is also brought prominently forward; as likewise the necessity of securing the coolies after they had received an advance;—to all of which due consideration should certainly be given. The only witness examined, however, though he had no complaint to make of ill-treatment, or of want of room, did grumble that the promise made him of \$4 per month had not been fulfilled.

The case has been remanded till this afternoon, and we may learn more of it by and by.

China Mail, 2nd April, 1857.—Horrors connected with the disgraceful Coolie Trade have of late proved a fertile source of animadversion for the press in China; and not the least atrocious of these was the holding "in durance vile" of 240 miserable wretches, cooped up in four small rooms at West Point. The discovery of the confinement of these men, and the investigations into the cruelties inflicted on them, led to the committal for trial before the Supreme Court of Mr. Y. J. Murrow, one Malay, and five Chinese, on charges of,—false imprisonment—assault and battery—and nuisance. The trial took place on Monday and Tuesday last, and exposed details so disgusting, that but for the purpose of enabling our readers to arrive at a true appreciation of the facts, we would hesitate to admit them into our columns. Here is a description of the premises, and state of the unfortunates when discovered:—

D. R. CALDWELL, *Protector of Chinese.*—On Sunday, the 1st March, I was passing the door of the E-wo establishment, the property of Mr. Tarrant. In consequence of seeing a placard, I had the door unlocked. I could not see my way at first—it was so dark—this was between 1 and 2 in the day time. I found the house full of coolies. I first found 3 or 4 men in an outer room. Had to lay hold of the man who let me in; that man was the first prisoner. There is no means of light from behind—the room faces the Queen's Road, and there were no windows in it. This was the ground floor. The prisoner let me upstairs—he let me willingly I think. At the top of the stairs I saw a great many men lying on the floor—it was an open room, like all China houses, about 50 feet long by 7 or 8 wide. There was an open bamboo flooring about 6 feet from the floor. On the floor itself there were about 30, and about 8 or 10 on the temporary floor; there were windows on that floor—they were closed, and the back door locked. The only ventilation was through the crevices of the venetians and of the door. I then went to another room—through a door in a party wall; the windows of this room were also shut, but the back door was open—it opened on to a terrace; there were two terraces—one to each room. Through the back door I observed that the terrace was used as a privy; there was a temporary house on one, used as a watch-house; the other was used as a privy—all the ordure lying on the tiles. There was a wall between the terrace and the room; the terrace ended in a blank wall—there were no means of egress that way. There was a very large collection of excrement, in some parts 18 inches deep—the collection of many days. The second room was also dark, except from the light that came through the back door. The smell was very offensive—so much so that I intended to report upon it. The second room was the same size as the first. I did not go into a third room on this occasion, but left the premises without communicating my intentions in the matter to any one. I reported the matter to Dr. Bridges on Tuesday morning. We were out together, with the Superintendent of Police in company, and I thought it a good opportunity to shew them the place. Mr. Walker, the Surveyor General, was also with us. On this occasion we first went into the rooms I had at first visited, and found them in exactly the same condition,—the door locked, and the venetians closed. The venetians I found were nailed; I broke them open myself. The terrace was in the same state—the filth had not been removed, it had certainly increased. We went out into the street, and went into two other houses and a passage connecting the houses together; I there saw similar rooms and orlop decks—the rooms the same size, about 7 feet by 20. The outer door was locked—we had to go in through the kitchen to get at the door. In these two rooms and passage I found double the number of Chinese that there were in the first two rooms. There was also a terrace to these houses—on which there was a much larger collection of filth than in the other, and also large jars overflowing with urine. There were upwards of 200 persons in the four houses—not more than 250—I suppose 230 or 240. On this occasion I spoke to the coolies, in my official capacity—told who we were, and what we had come for. Some said they were going to foreign countries—some to the gold country—some did not know where they were going to; but they were all anxious about \$4 each, which had been promised them, and which they had not received. I asked them if they wanted to go out? they laughed, and said they dared not—they would be flogged if they attempted to do so; and one man was brought to me who had been flogged for attempting to get out. I shewed them the staircase, and told them to go down; they would not go—they were afraid, until the doors below, which were barred, were forced open, when a large number, upwards of 100, rushed out into the street and shook their hands, saying they were not willing to go [to Havana]. Some went away, and some stood there. Many said, "I'm not willing to go. I'm not willing to go!" Those who rushed out escaped. I searched for them next day along with the Tepo of the district, but could not find them, and believe they have left the colony.

I saw the first prisoner on the first occasion, and I think the second—he was sitting at a table in the lower room, where the men who kept charge of the coolies lived. On the second visit I saw the first four prisoners—they were in a lower room of the tenement, and seemed to be guarding the door. The statements made by the coolies were made in the presence of the prisoners, and the coolie who had been flogged pointed to the second prisoner as the man who had flogged him; the prisoner said, No. Others of the coolies pointed to the 4th prisoner (a Malay) as the man appointed to flog them if they tried to go out. The prisoner laughed, and said he had only given them 2 or 3 cts to keep them quiet and prevent them going out; adding, he was there to keep guard, and had been appointed by Mr. Murrow's Comprador. I sent for the Comprador, but he did not come. I asked who was the headman—they pointed to the second prisoner. They also stated that a man named Foo-Ayee (the 5th prisoner) was a headman; he was not there at the time, but I caused him to be put in the dock up at the Police Court. The third prisoner at the time said what he was, but I forget the exact words—it was to the effect that he was looking after the business. Mr. May may have been in the room when I kicked open the windows, but I'm not sure. A number of the prisoners, and especially those in the passage, were sickly and weak. There were no police there until after I had released the coolies. The answers thus given me were not in reply to any suggestions made by me to them—but voluntarily, in answer to my question what they were doing there. (A Chinese produced) I recognized him as one of those who spoke to me on the first occasion—he was one of the coolies—I recollect him more particularly, as he speaks the Canton dialect very well. [*Cross questioned by Mr DAX,*—The door of communication between the two rooms on each floor was open, and the coolies could pass from one room into the other if they liked, and from thence on to the terrace, but ten men could not have stood on it at once. The venetians required great force to throw them open—but of course the coolies might have done so. Chinese houses are all dark, so that the want of light would be no great deprivation to them. They are not particular about fresh air. As regards the accommodation, outdoor coolies sleep the same way, but not so closely packed. There are plenty of Chinese houses vacant at the present time, which might be had for the accommodation of bodies of men: I suppose there are 50 which could be got for the purpose. This would entail a considerable amount of expenditure. I should say there was a good deal of destitution amongst the Chinese at present—rice is high. The high price of provisions would not account for the weakly state of the coolies, because they said they had got their food regularly; but if they had been starved before, they would have looked weakly. There were three men in what I suppose to be the guardhouse in the back verandah—they were not coolies; the coolies could not have escaped without jumping a height of 40 or 50 feet. I think when I questioned the third prisoner, he did say he was a servant looking after the business. I attended the Magistrate's Court during the whole of the investigation, to watch the proceedings as well as a witness. The Chief Magistrate, during the investigation, said he thought he could himself deal with the case; but I objected on public grounds, in my official capacity, to his doing so, and said I had been instructed by Government to sift the case to the very bottom. I visited the house 3 or 4 days after the body of coolies were released, and found 38 or 40, who told me they were willing to go to Havana. [*By the Attorney General,*—Mr. Murrow was made a defendant only at the last moment of the last day of the investigation. It was during the investigation,—I cannot speak positively of the day, but I think it was on the third day—that Mr. Davies said he thought he could decide the case himself. This was the day before Mr. Murrow was made a defendant. It was on my suggestion that he was made so. Mr. Murrow made a statement to me about the affair—he said the reason why the men were put into the houses was, that Ating had failed in his contract to complete a large granite godown—that he knew the coolies were more crowded than they should have been, but he was obliged to put them there—they were going to Havana, and the ship was getting ready for them. As to the destitution I spoke of in China, I have not witnessed it, but have heard of it. When I saw the condition of the coolies, I attributed their weakly condition to the confinement—they were pale and sallow, and had not the same look as the coolies going about the streets. The place was unsuited for so many men. The only objections I had to the place were, that they were overcrowded and with regard to the filth.

Such was the evidence of Mr. Caldwell, corroborated by the Surveyor General and the Superintendent of Police; yet notwithstanding no attempt whatever having been made to disprove a single statement made by him, and the fact of the coolies having been detained in duration of the most disgraceful kind, in premises disgustingly filthy, guarded by men appointed to flog such as might attempt to escape, and employed by the European prisoner, who did not even pretend to deny a full knowledge of their crowded state or the condition of the premises—from which it must have been inferred that all was performed with his full knowledge and concurrence, if not approval,—notwithstanding all this, he was only convicted of simple nuisance, and fined *Five Dollars*! while five of the Asiatics, paid by him and acting under his orders, were found guilty of the full count, and sentenced to Six Months' imprisonment with hard labour! If this be justice, it is of a strange kind, and one which neither can we comprehend, nor will the Chinese we fear be able to appreciate.

Then we had a sample of the cringing system—the mode in which the unfortunate victims of the Coolie Slave Trade are procured. The principal Chinese witness deposed as follows, and his manner carried a conviction of the truthfulness of his words to the minds of the majority of those present, though among the minority are to be ranked the six gentlemen of the jury, who by their fiat declared his statement false, and liberated the scoundrel whom he accused of kidnapping and robbing him:—

TAM-AHA.—Grass-cutter to the Tuck-ee milkshop. I remember the 6th prisoner coming to me, and asking if I would like to go to the new gold country—I would get \$8 a month wages, and if I wished to go, he would take me; passage-money would not be required—only a few dollars to buy provisions with. This took place in the prisoner's house—prisoner pulled me in as I was passing by, after having received my wages, \$3, from my master. He said I would not want the dollars when I got to the gold country, and took them from me by force. I had promised before this to go to the new gold country. The prisoner told me to sleep in his house that night, and next morning he would take me to see the master. I did stay that night, and was taken to the E-wo house, where I was stripped of my good clothes by prisoner, who gave me some rags to put on, and then pushed me into a dark room. I was not allowed to go out from that day, until I was released by Mr. Caldwell and others—I was detained against my will the whole time. We were all confined alike—more than 200. I recognize the 1st, 2nd, and 5th prisoners. Did not see Mr. Murrow there; never saw the 3rd prisoner, but have seen the 4th,—he kept watch with a gun. The first prisoner kept the keys of the door; the 2nd and 5th also kept watch,—the 1st, 2nd, and 5th had a gun by them, but did not hold it in their hands,—they had knives also. Have seen the 4th prisoner beat the people with a rattan, to keep them quiet, and prevent their talking. [*By Mr. DAX,*—The first prisoner said nothing to me before dragging me into the house,—he then asked me if I should like to go to the gold country. I had known him before. I thought the prisoner had some friend who would advance my passage. Do not know why he dragged me in. I met the prisoner in the street, but close to his house, at a distance of 40 or 50 covids, (a coid is 14 inches); he dragged me that distance, and after I was in, he shut the door. I had known him before,—I did not think anything wrong when he pulled me along. When prisoner proposed to me to go to the new gold country, I said "yes, I would be very glad to go if any one would pay my passage;" prisoner said that was all right—he would provide for that. I told him I had three dollars about me—I had all my baggage with me, having left the Tuck-ee shop to join my brother in the Kwang-yü market—to assist him in his shop.

* And more he deposed to the same effect—the trifling discrepancies being easily reconcileable to those having a knowledge of the Chinese character, and manner of giving evidence.

Next we have a description of the loathsome stuff provided as food for the coolies on the long voyage to Cuba,—“rotten pork, full of maggots,” and which had to be sent on shore *three times* by the Emigration

Officer before decently fresh pork was supplied. What wonder that the coolies die during the passage like rotten sheep! The European prisoner has since attempted to deny this, but Mr. Mitchell stated it upon oath; and Mr. Murrow must excuse us for saying, that the Acting Harbour Master's disinterested opinion is more to be relied on than that of a Coolie Agent, backed even by an offer of proof that the pork was the best procurable. If so, whence came the supply afterwards sent on board, and approved by the Emigration Officer before the vessel was cleared.

And lastly, as a wind-up to the whole, we have proofs of deceit practised on the Emigration Officer himself,—the English version of the agreement furnished to him stating the term of bondage to be *five* years, while the Spanish and Chinese versions make it *eight*; and *three years*, our readers must remember, is the average of life in the copper-mines of Cuba, to which doubtless a proportion at least of the poor wretches were destined.

So much, then, for this trial and partial acquittal; the impression of which on the minds of disinterested listeners may be gathered from the following letter, forwarded to us by a gentleman recently arrived in the colony. We refrain from any remarks upon the jurors; for doubtless they "performed their duty to the best of their ability!" and that is all that need be said about them:—

To the Editor of the "China Mail."

HONGKONG, 1st April, 1857.

SIR,—It is said that the Chinese have no confidence in the justice administered in our Courts: and that where they have a choice, they prefer to trust to the tender mercies of their own Mandarins, rather than risk the *glorious uncertainties* of our criminal jurisdiction. Can any unprejudiced person who yesterday listened to the proceedings in the Supreme Court in the case of the *Crown v. Murrow* and six others, doubt the existence of this feeling in the breast of every Chinese in this colony? Can any European be blind to the fact, that an intelligent thinking people, such as the Chinese avowedly are, being totally ignorant of the technicalities, the windings, twistings, and subtleties of our law procedure, should form their judgment on the broad basis of right and wrong, an intuitive perception of which is implanted by nature in very human breast; and therefore should inevitably conclude, that right and justice is not to be found in this colony, were such an extraordinary verdict close the prosecution above referred to?

I do not wish to be understood as attaching any blame to any official or law officer in this matter. The Attorney General made a most impressive address, bearing throughout on the strict merits of the case; his Honour the Chief Justice could only sentence the different prisoners in accordance with the verdict of the jury; and the officers of police had left no link loose in the evidence produced, and the weight of their own testimony.

The jury gave their verdict, of course, according to their consciences and the calibre of their capacities.

How is it, then, that under all this combination of circumstances so favourable, one would think, to the full development of justice, which should entirely satisfy the whole community, there are still so many, Chinese and Foreigners, who cannot reconcile the present state of this case with their preconceived ideas of right.

The following questions naturally arise in connection with these proceedings, and the comments which follow are the inevitable result:—

1st, Why are the five servants put in jail, and subject to six months' hard labour for obeying the commands of their master, while the master who gave these commands is acquitted of all participation in the criminality attached to the performance of his own orders?

Comment by the Chinese public.—The master should either be punished heavier than the servants, or the servants should be free equally with the master. This would be justice!

2nd, If an European is acquitted of having forcibly imprisoned coolies in his house,—which coolies he is proved to have intended shipping in a vessel for Cuba,—how is it that his servants are declared guilty of this offence, who possessed neither house, nor ship, nor interest in the fate of the captives, being merely tools of their principal?

Comment by the Chinese public.—If the master is innocent, the servants, are guiltless. This is justice!

3rd, We ignorant people would ask lastly, how it happens, that of the six natives and one European at the bar, the latter and the sixth Chinaman, who appeared, to our unenlightened faculties, to be the two most criminal of the party, were both discharged, whilst the five unfortunate servants were condemned to a severe punishment?

Comment by the Chinese public.—The foreign system of trial by jury is not infallible; for juries are but men—and these men are Fan-kwaies, whilst we are only Fokies. You mock us with your justice!

XXX.

China Mail, 9th April, 1857.—We are not at all astonished to learn that threats of a prosecution for libel have been thrown out in consequence of the opinion expressed by us last week with regard to the "Black Hole No. 2" case tried at the late Criminal Sessions. It would appear, therefore, that Mr. Y. J. Murrow considers himself a very ill-used individual. We on our part, on the contrary, thought we had been exceedingly lenient, and that our denunciations of the outrage and its perpetrators were by no means so strong as they merited. We stated nothing but facts, borne out by the testimony of the witnesses in Court; but there was one point of which we must have remained in perfect ignorance, had not Mr. Murrow determined that *his* light at all events should not be hid under a bushel, viz: that the pork which had been twice condemned by the Emigration Officer as "rotten and full of maggots," was afterwards doctored up by means of pickle, which for the moment would destroy the maggots, and was then imposed upon Mr. Mitchell as fresh and sound provisions. The trick was a very clever one indeed, and appears to have succeeded admirably; for Mr. Mitchell at this moment even can scarcely believe the pork to have been all the same, though he is aware that the freshest portion of that which he examined on the third survey was passed by him. But what credit is to redound therefrom to the man who would condescend on such an artifice, we acknowledge ourselves unable to perceive; and the very last person to whom we would have looked for its exposure was the coolie agent himself.

As we omitted the Emigration Officer's evidence last week, we now insert it, for the purpose of confirming our statement of the case:—

E. R. MITCHELL, *Acting Harbour Master and Emigration Officer.*—It is my duty, before a Chinese passenger ship leaves the harbour, to number and examine the coolies. I remember the *Tushina*. Before granting her port-clearance and certificate, I examined all the emigrants, and handed to each man his contract, the terms of which I explained to them through an interpreter. All were satisfied except 10 or 12, who were sent on shore. One of those sent on shore said he had been deceived, and was not aware of the nature of the voyage. Others complained of not having received their money. Of the Agreements furnished to me, the Chinese is for *eight* years,—the English translation from the Spanish for *five*. I got the translation from Mr. Vaucher. Mr. Murrow, Mr. Vaucher, Mr. Carroll, and Mr. Floter were all in some way concerned in the affair. (*By Mr. ANSTEE.*)—The examination of the coolies commenced at 11 and ended at $\frac{1}{4}$ past 4 on the 19th March—206 then passed, and 21 more on Monday in my office. The vessel cleared on the morning of the 24th, and then dropped outside the limits of the harbour, where she anchored for four or five days. The man who complained of having been deceived, said he thought he was going to the gold country; he was to receive an advance of \$3—\$4 in money and \$4 in clothes. The English translation of the Agreement given to the Emigration Officer, is in order that he may explain it to the Chinese, and I as such officer was under the impression that

the contract was for *five* years only. I had more trouble with the provisioning of the *Tushina* than with any other 6 or 7 vessels. I had to send the pork on shore three times, because it was rotten—full of maggots.

There seems to have been some misunderstanding also with regard to the verdict of the jury; for we are positively assured that the sole point on which the gentlemen differed was, that the two dissentients were of opinion the European prisoner was at least equally guilty on the first count with the Asiatics, though of course the four outvoted them; but as stated by their foreman, it appeared as if the minority were of opinion that Mr. Murrow was guiltless of all but the third count—a nuisance. However either way, he escaped, and may thank his stars for it. The exposure made will, we doubt not, deter others from a repetition of such pranks in the colony; and as we are not of those who follow out the maxim of keeping a man down when he is down, and besides feeling acutely, as he must do, the shameful position he lately occupied at the bar of the Supreme Court, he has sunk himself still deeper in the mire by his voluntary confessions regarding the pork, we leave him there, to wriggle out of it as he best may.

But though we trust we have witnessed the last of such enormities in Hongkong, we have little hope that the atrocities of the Coolie Trade in China are at an end; and the other day we received information of a stampede of these unfortunates from a barracoon at Macao, where they had been kept in readiness to be sent on board ship. About two hundred of them broke out, and made in a mass for the Santo Antonio gate, prepared to resist by force any attempt at recapture; and very few of them were retaken, though two were, we are told, found dead from their wounds the following morning. They had all been supplied with new clothes, which they threw off them as they ran, and the road-side was plentifully strewn with jackets. Their contrymen, as they hurried along, encouraged them, and pointed out the straight road to the gate.

The following letter describes what took place on the occasion:—

[*Letter not received from Mr. Caldwell.*]

The Correspondence referred to in Note at page 114 of Mr. Caldwell's Defence, forms No. 37 in Appendix to the Minutes, and will be found printed at pages 31 to 38.

Copy of a Despatch from Sir John Bowring to the Secretary of State, dated 28th March, 1857. Blue Book, page 1.

I have received from the Naval Commander-in-Chief a communication, of which I have the honour to enclose copy, laudatory of the great services rendered by Mr. Caldwell to this Colony, especially under the difficult circumstances in which we have been lately placed. I cordially agree in the high appreciation which Sir Michael Seymour attaches to these services, and concur, at the same time, in the suggestions submitted to you as to the special claims of Mr. Caldwell upon the attention of Her Majesty's Government.

Copy of a Despatch from the Secretary of State to Sir John Bowring, dated 2nd June, 1857. Blue Book, page 365.

SIR,—I have to acknowledge the receipt of your Despatch, No. 59, of 28th March, with its Enclosure from the Naval Commander-in-Chief, and I have to express the great satisfaction which this report of Mr. Caldwell's services, rendered at a very important crisis, has afforded Her Majesty's Government.

Extracts from Sir John Bowring's Despatch to the Secretary of State, dated 9th August, 1858. Blue Book, page 42.

Para. No. 19:—I had become acquainted with the fact that Mr. Caldwell, the Registrar General, and Mr. May, the Superintendent of Police, had not been working harmoniously together almost ever since the return of the former to Government employ in November 1856. Mr. Caldwell being almost the only official in this Colony who possesses any adequate knowledge of the Chinese language, has been of very great benefit, not only to us, but also to the Queen's services generally in this part of the world, and I have had every reason to entertain a very high opinion of him. Particulars of some of his services accompany this Despatch.

Para. No. 22:—Mr. Bridges appeared to me soon after he became Acting Colonial Secretary, to entertain an unfavourable opinion, in which I did not fully concur, of Mr. May's mode of managing the Police force, and to place much more confidence in Mr. Caldwell than in Mr. May. This may be attributable to the special attention which Mr. Bridges paid to the working of the police, or from some other cause; but at any rate the fact undoubtedly existed, and I had more than once, on Mr. Bridges' representations, to reprimand Mr. May for neglect of, or disobedience to the directions of the Acting Colonial Secretary; whereas no complaint was ever laid by Mr. Bridges against Mr. Caldwell.

Extract from a Despatch from Sir John Bowring to the Secretary of State, dated 9th August, 1858. Blue Book, page 47.

Para. 49:—The history of the papers in question is as follows: The books of the shop in which Ma-chow Wong, at the time of his apprehension, owned a share, were at first in the custody of the police, and, while there, were examined by Mr. Acting Assistant Magistrate May, with the object of adducing further support to the charge of complicity with pirates under which Ma-chow Wong then lay. Mr. May, being

entirely ignorant of the Chinese written or spoken language, this examination was made through a native interpreter at the Magistracy, Tong Aku, a very clever fellow, but a man of more than suspected character. Mr. May made Memoranda of this examination and showed them to the Chief Magistrate and the Acting Attorney General, informing both of these officers that they did not throw any light upon the pending charge against Ma-chow Wong, nor did he then even insinuate that any connexion between Mr. Caldwell and the accused was thereby shown. Mr. May made no communication whatsoever to the Acting Colonial Secretary respecting these memoranda, nor informed the Executive Government that he was in any way in possession of documents which would assist them as to Ma-chow Wong's general character, still less impeaching the conduct of so important an officer of the Government as Mr. Caldwell.

Extract from "Narrative by the Acting Colonial Secretary," being enclosure in Despatch from Sir John Bowring to the Secretary of State, dated 9th August, 1858. Blue Book, page 66.

It is almost incredible to me that in an Asiatic community, where perjury is more frequent than truth, any officer, hunted as Mr. Caldwell has been by the Attorney General, and the whole police force, directed by its Superintendent and his chief subordinates, could have escaped condemnation; and the Registrar General's path, throughout his official career, must have been one of singular rectitude, if, when every act of his public conduct and private life for 20 years has been ripped up, so little matter for blame could have been adduced against him by a Commission which certainly do appear to me to have been extreme to mark anything done amiss in his case.

Extract from a Despatch from Sir John Bowring to the Secretary of State, dated 16th August, 1858. Blue Book, page 223.

As regards the interpreter Assow he has been long an object of suspicion and distrust. The deputy Chief Magistrate, Mr. Mitchell, after an experience of many years, has declared that he cannot believe him on oath. Assow's statements before the Commission were distinctly disproved. The Chief Magistrate, who has been but a short time in the Colony, did not concur with his colleague as to the necessity of dismissing Assow on account of untrustworthiness; but reports that on other grounds he had been often on the point of recommending his dismissal, but had given him one chance more before doing so. The opinion of the Executive Council was unanimous that Assow was not a fit person to be intrusted with important functions in the administration of justice, and he was discharged from the public service.

Extract from a Despatch from Sir John Bowring to the Secretary of State, dated 30th August, 1858. Blue Book, page 231.

Para. 2:—As to the charge that "every Government official who gave evidence" (before the Caldwell Commission of Inquiry) "against the accused" (with the exception of Mr. Inglis), "has been displaced, suspended, threatened with suspension, or insulted in an official way," that charge is simply untrue; the only individual who has hitherto been visited with any mark of my displeasure is a native interpreter, Assow, long regarded with great suspicion, reported after much judicial experience by the Assistant Magistrate as not to be believed upon oath, and whose tergiversations and mis-statements before the Commission were judged by the unanimous voice of the Executive Council to necessitate his dismissal from the public service.

Extract from Sir John Bowring's Despatch to the Secretary of State, dated 30th August, 1858. Blue Book, page 233.

Para. 14:—I cannot conclude this correspondence without stating that, whatever may be Mr. Caldwell's defects, it would be difficult to find a public servant who has rendered such essential services to the Colony as he; that the information he has been enabled to collect from his mastery of the language and acquaintance with the Chinese, has been invaluable; that he, placed beyond all other men in circumstances where, if corrupt, might have been easily and covertly corrupted, is poor, and at this moment, I fear, not free from pecuniary embarrassments, though I have every reason to believe his habits of life are temperate and becoming; that so far from the unanimous opinion of the Colony, of which Mr. Anstey professes to be the organ, being hostile to him, the Bishop told me a few days ago, he had thought it his duty to pay him and his wife a personal visit as evidence of the conclusion at which he had arrived; that Mr. Caldwell's testimonials are most numerous and honourable; and that I have constant occasion (as have our naval and military authorities) to avail myself of his special services, and at the moment in which I write, he is accompanying a naval expedition against pirates, being really almost the only trustworthy and well informed person on such matters to whom we have access.

Extract from a Despatch from Sir John Bowring to the Secretary of State, dated 1st November, 1858. Blue Book, page 243.

Para. 2:—I think Mr. May has been indulgently dealt with in this matter, but as I have every reason to believe he has been acting under the influence and guidance of Mr. Chisholm Anstey, the suspended Attorney General, who availed himself of the notorious jealousy and ill-will which existed between Mr. May

and Mr. Caldwell, the Registrar General, to entangle Mr. May in the Caldwell quarrel, I have been disposed to look with greater leniency on the part he has taken.

Copy of a Despatch from Sir John Bowring to the Secretary of State, dated 4th March, 1859. Blue Book, page 275.

SIR,—I have the honor to forward copy of a letter from Mr. Chisholm Anstey to the Colonial Secretary, bringing new charges against Mr. Caldwell.

I thought it desirable that Mr. Caldwell should see Mr. Anstey's letter, and I forward copy of Mr. Caldwell's reply.

Sir George Bonham will, of course, explain, if he knew Mr. Caldwell to be a criminal, why he retained him in the Government service. I have heard nothing from Sir George Bonham but a laudatory appreciation of Mr. Caldwell.

I deem Mr. Anstey's letter to afford additional evidence of a spirit of malignant persecution directed against a valuable public servant, whose overthrow, I have reason to believe, he has stated his determination to effect, and whose efficiency he has done all in his power to impair.

Nor can I leave Hongkong without again recording my conviction that no public functionary in this Colony has rendered greater services to the Government than Mr. Caldwell; services which he alone was in a condition to render.

Extract from Dr. Bridges' evidence, Caldwell Commission Inquiry, page 20.

To the best of my belief I was remonstrating with Mr. May as to the objections he invariably made to any suggestion which originated, or which he supposed to originate, with Mr. Caldwell. Then Mr. May said he would have no objection to take Mr. Caldwell's place, and that Mr. Caldwell should take his. I do not recollect Mr. May's saying anything about such arrangement benefitting Her Majesty's Government. When Ma-chow Wong was first apprehended, Mr. May disavowed having any hostility toward Mr. Caldwell, but not I think upon this occasion.

Extract from Dr. Bridges' evidence, Caldwell Commission Inquiry, page 20.

I remember an inquiry concerning a charge against Mr. May of not putting down a notorious brothel. In March last one Atai was charged before the Magistrate with keeping an unlicensed brothel out of the brothel district under the following circumstances: Having had my attention drawn by a person in no way connected with the Government to the fact that certain brothels were allowed out of the district, and in particular to one—in the neighbourhood of Mr. Murray's house—I saw Mr. May, and requested him to cause this brothel to be put down. We had some conversation on the subject, and about a week afterwards finding that nothing had been done, I desired Mr. Caldwell to do what I had requested Mr. May to do. Mr. Caldwell took certain steps which led to the keeper of the house being brought up before the Chief Magistrate. I had also certain reasons to believe that Mr. May was in the habit of frequenting a house in the immediate vicinity of this brothel, and I was determined that the fact should be elicited, if possible, at the investigation before the Magistrate. I attended as a spectator, and as Mr. Caldwell gave his evidence without in any way referring to Mr. May or to such house, I requested the Magistrate to put such questions to Mr. Caldwell as would elicit these facts, which I intended to bring to the notice of the Governor. The Magistrate did put the question; the facts were elicited; and also the belief of Mr. Caldwell that the women living in the brothel had escaped therefrom into the house frequented by Mr. May. On the following day a letter was received by me, being also addressed to the Attorney General and Chief Magistrate, making a violent attack upon Mr. Caldwell for the insufficiency of the grounds upon which he had supposed that the women could escape into the house already referred to, and also attacking the motives from which the statement had been made. I wrote in consequence to Mr. May either on that or the following day, explained the circumstances under which Mr. Caldwell had given his evidence, and laid the whole matter before the Governor. This letter was written on the 11th March, and entirely exculpated Mr. Caldwell from having brought the matter forward, and shewing that what he did was on my action.

Extract from Dr. Bridges' evidence, Caldwell Commission Inquiry, page 53.

In answering the question why I applied the term "partizanship" with reference to Mr. May, on the occasion of my last giving evidence, I would say, that having been Crown Prosecutor here for nearly three years, I have been enabled to form an accurate knowledge of the manner in which Mr. May generally conducted Police investigations, or assisted in getting up cases; and having found him pursue an entirely different course so far as regards activity and energy in Ma-chow Wong's case, from what I had ever seen or known him shew in any other case: knowing the bitter spirit that he had for many months past shewn towards Mr. Caldwell, and believing that Ma-chow Wong was made but the cause to attack Mr. Caldwell, because Mr. May, during my tenure of office, had never brought Ma-chow Wong's crimes or conduct to my notice in any way,—I came to the conclusion, which I still adhere to, that Mr. May was actuated with regard to the getting up of the case against Ma-chow Wong, by the private feeling of a partizan.

30th Sitting.

TUESDAY, 24TH SEPTEMBER, 1861.

The Executive Council met to-day at 11 o'clock, by Special Summons.

PRESENT:

His Excellency The GOVERNOR, and all the Members.

The Minutes of the last Meeting were read, and confirmed.

Mr. Caldwell's Defence, printed at page 89, and which had been previously circulated amongst the Members, was laid on the Table.

The Governor informed the Council that upon Colonel de Sausmarez, the late Military Member of the Council, leaving the Colony His Excellency had requested him, as he had assisted at the present Investigation, to record his opinion in writing upon Mr. Caldwell's case. Colonel de Sausmarez had accordingly transmitted, from Singapore, the following Memorandum:—

MEMORANDUM.

After carefully weighing to the utmost of my ability the very conflicting, and generally very suspicious evidence, which has been produced before this Commission, and taking into consideration the violent party feeling which was elicited during the previous enquiry into matters connected with this investigation, and the lengthened period, amounting to several years, over which it extends, it is not without considerable hesitation I proceed to record my opinion on the several charges preferred by Mr. Murrow against Mr. Caldwell.

With reference to the Eight Charges, into which the First Charge has been divided, I find as follows,—

I. That a long and intimate acquaintance is admitted by Mr. Caldwell to have existed between himself and Ma-chow Wong, reputed to be a notorious Pirate, but it does not distinctly appear to what extent he was aware of any specific criminal act of Ma-chow Wong, though it is impossible to suppose but that he must have entertained strong suspicions on what appears to have been a subject of such general notoriety.

II. That with regard to the remaining Charges of this portion of the arraignment, Mr. Caldwell is not proved to have acted in an illegal manner on any of the occasions therein referred to, whilst the impropriety of his interference in favour of Ma-chow Wong depends on the Prisoner's guilt in each particular instance, and Mr. Caldwell's knowledge thereof which is not satisfactorily proved.

III. With reference to the 3rd and 5th Charges, though the propriety of his sitting on the Bench on one occasion, is more than questionable, it is not shewn that Mr. Caldwell gave aught but true evidence in either instance, and as relates to Charge 7th, there is no proof of his being a party to the use of terror, as a means of obtaining signatures to the petition presented in behalf of Ma-chow Wong.

IV. The evidence as to what papers were seen, and reported upon by Mr. Caldwell, is so conflicting, that it is impossible to come to a definite conclusion, as to the truth or wilful falsehood of his report, but it is clear that many of the extracts noted by Mr. May bore a suspicious, if not more positive character.

2. With regard to the second charge, the responsibility for the restitution of Ma-chow Wong's property to his Family, as also of his Books, after his Conviction, does not appear to rest so much with Mr. Caldwell, as with the Acting Colonial Secretary who permitted it, but the interest evinced throughout by Mr. Caldwell in these proceedings, is manifest.

3. With regard to Charge (3) no criminality is proved.

4. Fourth Charge withdrawn.

5. No instance has been proved, of action being taken on Ma-chow Wong's sole information. The motives of the informer do not immediately appear to be a subject of enquiry, failing their connection with Mr. Caldwell, being established.

6. Considering as I do, the statements of Sum-ahing to be in themselves utterly untrustworthy as testimony, and that he is moreover the only direct evidence as to the identity of Wong-achong with Ma-chow Wong and his son, whilst on the other hand the witnesses produced by Mr. Caldwell, to prove his separate existence, are scarcely if at all more to be relied on, and whereas much remains unsatisfactorily explained on the latter supposition, I can not divest myself of grave suspicions as to the account put forward of his being a "Swatow man,"—and this involves a most serious question, as relates to Mr. Caldwell, by whom he is repeatedly so described.

7. Reviewing all that has transpired before this Commission, as well as what has been recorded on the former investigation, and the events connected with the late Government, and taking into consideration Mr. Caldwell's connexion with the Chinese, through his wife and her family, as also the former transactions in which he has himself been engaged with them, whilst I fully admit the difficulties of his situation, and his peculiar relation with Ma-chow Wong, to whom he in all probability owed his life, I can not but feel that Mr. Caldwell has failed to clear himself from suspicion on many points of importance,—and under these circumstances I can not consider it for the public good that Mr. Caldwell should remain in H. M.'s Service under the Government of Hongkong, but this is without prejudice however to any claim for pension, to which his lengthened, active, and very zealous previous service may appear to entitle him.

(Signed)

G. DE SAUSMAREZ,

Lieutenant Colonel, late Commandant of Hongkong.

FINDING IN MR. CALDWELL'S CASE.

The Council having carefully considered the Evidence laid before them in support of the Charges brought against Mr. Caldwell, as well as the Evidence given in reference to other matters which incidentally grew out of the Inquiry, were unanimously of opinion that Mr. Caldwell's long and intimate connection with the pirate Ma-chow Wong was of such a character as to render him unfit to be continued in the Public Service, and the Council recommended his dismissal therefrom.

The Council were further of opinion that even if they had arrived at an opposite conclusion upon this, the main subject of Inquiry, they would have been called upon to recommend Mr. Caldwell's removal from Her Majesty's Service upon the grounds of his dishonourable treatment of his brother officer Mr. May, and his abandonment of his office notwithstanding the refusal of His Excellency The Governor to accept his resignation while grave charges were pending against him.

His Excellency then declared the Investigation closed, and the Council adjourned *sine die*.

HONGKONG.



SUPPLEMENT

TO THE

MINUTES OF INQUIRY

INTO

CIVIL SERVICE ABUSES

BEFORE

THE EXECUTIVE COUNCIL

1860-61.

INDEX TO CORRESPONDENCE.

Preliminary.—Letter from Mr. Tarrant to the Clerk of Councils.

Letter from Mr. Tarrant to the Hon'ble Mr. Smale, Attorney General, requesting him, in exercise of the functions of Grand Jury, to institute proceedings against D. R. Caldwell and J. Scott, for a conspiracy to burke enquiry into the means where by Shum Ahing, a prisoner in the Victoria gaol,—was wrongfully convicted of Kidnapping:—page 1

Abstract of the several papers submitted to Mr. Attorney General Smale, in proof of the fraudulent means employed by D. R. Caldwell to procure Shum Ahing's conviction and imprisonment, so that he might be unable to give evidence of the intimacy which had existed between him (Caldwell) and the convicted pirate Mah-chow Wang;—and also in proof of the conspiracy between Caldwell and Scott, Governor of the gaol, to stop enquiry into that conviction, and to continue the imprisonment and torture of the wrongfully convicted man.—page 9

Mr Attorney General Smale's reply to Mr. Tarrant, expressing his opinion that it was not competent in him to take evidence on oath, and suggesting application to a Police Magistrate.— page 9

Letter from Mr. Tarrant to the Acting Colonial Secretary, Mr. W. H. Alexander, for submission to the Governor in Council, praying the release of Shum Ahing from gaol.— page 27

Letter from Mr. Tarrant to Mr. L. Boye, and the reply, regarding emigrants from Macao to Havana.— page 36

Canton 27th March 1862.

L. D'A e Castro Esq.

• Clerk of Councils,—Hongkong.

SIR,

Having reference to your reply of the 10th ult to my letter of the 31st January, in which you inform me that the Minutes of the Civil Service Abuses Inquiry having been printed merely for official and private use, my request for a copy upon which to found a prosecution for the libel, in said minutes, perpetrated on me by D. R. Caldwell, *ex* Registrar General, and J. Scott, Governor of Victoria Gaol, cannot be complied with—I have the honour to inform you that before I received your answer, a gentleman, to whom a copy of the Minutes had been given for his private use, was so good as to make me a present of it, coupled with no conditions whatever, so that, were I so disposed, it would be quite competent in me to prosecute the Government, through its printer, for the libel as propagated in official and *private* circles.

Having, however, given full consideration to the circumstances of the case, I have come to the conclusion that the libellers, Scott and Caldwell, had a graver object than my mere annoyance in view, and that if there is to be a prosecution at all, it must be a criminal one, at the instance of the Crown itself;—certainly I shall take no farther steps in the matter, —Scott's allegations of my intimacy with the prisoner Shum Ahing being so absurd that I cannot bring myself to believe any reasonable person, having a knowledge of me, can give credence to a single word of it.

I feel certain too that my reputation is so safe in official quarters that I can afford to treat the matter with the fullest scorn; and but for your informing me that the minutes have been printed for *private* as well as official use, the matter might stand without farther notice. But the time will come, no doubt, when the Minutes in question will be laid before Parliament, and then what may be thought if I take no steps to rebut the ridiculous calumny upon my character?

In this view, I think I am not unreasonable in asking the President and Members of the Council, by whose orders the Minutes containing the libel were printed for official and private use, to print and circulate with the Minutes a Supplement containing the printed correspondence of which I enclose you two copies.

I have &c.

W. TARRANT

P. S. The gentleman who gave me the copy of the minutes spoken of, has since expressed a wish to see it for some private reference; and you will oblige by letting me have a clean copy to give to him, mine having some private marks which I do not desire others to see.

CANTON, 27th February, 1862.

The Hon. JOHN SMALE, Esq., M. L. C.—M. E. C.

&c., &c., &c.

Hongkong.

SIR,—I beg leave to address you as Grand Jury of the Colony of Hongkong, and crave your attention to the following narrative. The Executive Council of the Government have recently given publicity to a volume intituled Minutes of Inquiry into Civil Service abuses before the Executive Council, 1860-61, and printed by D. Noronha, Government Printer.

Almost all these minutes refer to an enquiry into an alleged intimacy between Mr. D. R. Caldwell, late Registrar General and Protector of Chinese, and one Mah-chow Wong, a Convict undergoing sentence of transportation for piracy; the result of the enquiry being a finding by the Council that there had been a long and intimate connection between them, and it was of such a character as to render him, (Caldwell,) unfit for the public service, which they recommended his dismissal from.

The enquiry of which this was the result was ordered by His Grace the Duke of Newcastle in compliance with the prayers of certain public bodies in England; and that it would take place after the arrival in Hongkong of Governor Sir Hercules Robinson, was generally known some time before the Commission of Enquiry was organized. In 1858 there had been a similar Inquiry, and it was because the finding of that Commission was incompatible with the evidence that the public bodies to whom I have referred memorialized the Government, and prayed further investigation. I am particular in drawing attention to these premises, in order to show that D. R. Caldwell, knowing what was about to occur, had strong reason for desiring to remove from his path every person likely to be able to give evidence of the intimacy which had existed between him and the convicted pirate.

Foremost among such was a Chinese of the name of Shum Ahing. This man had been over thirteen years in constant business connection with the convict;—he had built a hong in Hongkong, in which the pirate had a pecuniary and peculiar interest;—was related to a person at Kupchee with whom the pirate had business relations;—was so far implicated with the pirate on one of the charges of which he was convicted

that he was at first placed in the Criminal dock with him, and afterwards, when the trial was over, was the person to whom the books of account of the hong were handed, at Caldwell's instance, by Mr. Grandpre, Assistant Superintendent of Police, and, if Shum Ahing's statement be true, were then by him given to Mr. Caldwell's wife.

Determined on getting this man out of the way, this, according to what we find in the volume of minutes, and what may reasonably be inferred, was the manner of his proceeding.

From Kupchee, on the East Coast of China, Chinese are in the habit of emigrating in bodies to the Straits of Malacca, to Manila, and other parts of the world; and a part of the business of the hong, of which Shum Ahing had the management, was the arrangement of labour contracts for men passing through the Colonial waters.

In December, 1859, a boat arrived in Hongkong from Kupchee with 120 men, intended, it was asserted, for labour in the Straits. At that particular period of time the public mind was agitated with stories of men being kidnapped for the Havana market, and, consequent on information given to the police that the men in question had been kidnapped and were intended for Havana, the whole of them were released and sent adrift in the Colony.

Subsequent circumstances lead to the belief that the information on which the police acted in this case was prompted by Caldwell, the first step in a scheme to procure the conviction of Shum Ahing for kidnapping, and the consequent doing away of his ability to give evidence of the piratical intimacy between him and Mah-chow Wong.

The men being at liberty to go where they pleased, went with their head men to Shum Ahing's hong, where they remained till the 26th of December, when, as will have been foreseen by the schemer, some of them went to Macao to procure engagements,—Shum Ahing going with them to receive payment for the expense he had been at in supporting them. Up to this point Caldwell's connection with the matter is hypothetical only; the hypothesis being supported by the following.—

1.—That the 120 Coolies came from the place to which Caldwell afterwards went for Sze-lo-yae, Mah-chow Wong's friend and partner in business.

2.—That coming from this place, Caldwell knew that when released the men would go to Shum Ahing's hong.

3.—The intimacy between Mah-chow Wong wife's brother and Asoong one of the 120, by whose instrumentality Shum Ahing was afterwards convicted.

And 4th, that only by these men getting in debt to Shum Ahing for board, could it be likely that he would have the handling of any of the money which these men might obtain by contracting to go to

Havana;—contracting which, by the construction placed on it by the Hongkong Courts, amounts to selling into slavery.

On reaching Macao an endeavour was made by Shum Ahing to procure engagements for the men to go to the Straits as they originally intended. But it was not possible to procure advances, and then ten of the 45 that went to Macao consented to go to Havana, and out of their advances pay off the debt due by all, (for this, no doubt, receiving prospective consideration for their families)—Asoong one of the 45 acting as broker for them, and receiving \$72 of the sum of \$275, given at the rate of \$27½ to each; the rest of the money viz \$202½, going to Shum Ahing in liquidation of his bill for board of the whole 120 that had been in his hong, and for repayment of advance for hire of a boat to take 75 of the original 120 back to Kupchee. That Shum Ahing only received \$202½ proof will be exhibited, and that Asoong received the remainder can be shown.

So much as has here been related goes to the actual facts.—I now come to the evidence of crime on the part of D. R. Caldwell, in controversion of these facts, to procure Shum Ahing's conviction of kidnapping. At the time when Shum Ahing went to Macao with the 45 men, two ships lay there awaiting Coolies to proceed to Havana. One of these was the *Ville de Lima*, the other the *Emilie Pereire*. The *Ville de Lima* sailed on the 16th of January 1860, the *Emilie Pereire* on the 22nd—For nearly two months prior to the despatch of the *Ville de Lima*, the only ship for Havana from Macao was the *Norway* on the 25th of November. After her was the *Emilie Pereire*, and, then according to the Harbour Master's record, no other ship left with Coolies till the 12th February. The Coolies, then, being in Macao in December and January, in order to make out that they had been kidnapped and sold, it was necessary to show that they went in one or other of the ships then loading, viz the *Ville de Lima* or the *Emilie Pereire*. The latter vessel was selected, and it is interesting to note how careful the conspirators were not to reach Macao in search of the men until the day of her clearance, and when, if the Coolies had been on board, it would even then have been possible to release them.

Shum Ahing's business being completed, he returned to Hongkong on the 12th of January, and was almost directly visited by Asoong and Mah-chow Wong's wife's brother—And on the same day, viz the 12th, Asoong saw Caldwell, and told him how far the case had progressed. But it was desirable that the *Emilie Pereire* should be away before the blow were struck, and as it was known that she would go before the Chinese New year, which fell on the 23d of January, it was necessary to delay a few days. That Shum Ahing should be on hand it was then determined to arrest him for \$173 due, or said to be due by him on account

of the wife of Mah-chow Wong ; and the circumstance should not be overlooked, as evidence of his poverty, and the improbability of his having received in Macao a large sum of money for selling men, that he lay two days in gaol before he could procure bail. While he was in gaol, and, according to Caldwell's evidence, even before he, Caldwell, had taken down Asoong's Statement of having been kidnapped and sold by Shum Ahing, Shum Ahing's servant, (Cook) was arrested, as *particeps criminis* in the kidnapping. Shum Ahing immediately on getting bail called on Caldwell to explain the matter of arrest for debt (a circumstance in itself proving how much interest Caldwell took in all Mah-chow Wong's old business "he knew all about it") and was then given in custody on the charge of kidnapping. Shum Ahing being safely lodged, Caldwell then got authority from the Governor to go to Macao and release the men said to have been kidnapped, and this brings me to those points of evidence on which sufficiency lies to swear an indictment for conspiracy and subornation of perjury—

"Asoong and I arrived in Macao," says Caldwell, "on the 21st of January.—

"I saw the 32 Coolies in a boat," says Asoong, "after we landed—(As the steamer did not leave till Noon it must have been late in the day when he so saw them).

"We called at the Sun-fook-tye hong first," says Caldwell, "on the 23rd (The 22nd was Sunday) where I ascertained that 32 men *answering to the names and description given by Ng Ahsoong*, had been shipped two days previously for Cuba by Mr. Boyé in the French ship *Emilie Pereire*.

In rebuttal of this "answering to names and description" I now submit Mr. Marquis's testimony appended, to the effect that no books were produced on the occasion of the visit,—the manager of the hong did not appear, and no proof whatever was given of any men sent in the *Emilie Pereire* "answering to names and description." The evidence of Florentino de Remedios, the Interpreter accompanying them, confirms this ; while that of Mr. L. Boyé, who despatched the *Emilie Pereire*, is stronger than all. In brief, he has declared (as appended) before the British Consular agent at Macao, that, of his own knowledge, not one of the 45 men brought from Hongkong went in the *Emilie Pereire*, and he gives the names and description of every Coolie that he received from the manager of the *Sunfook tye* hong about and after the period when these 45 came to Macao ; the causes which he gives for this knowledge being most plausible.

At first I was disposed to think that it were possible the men had been placed in the Sun-fook-tye hong and afterwards removed ; but he writes me saying that only those went in to the Hong that were intended to go to Havana, and this therefore dissipates such conclusion.

In swearing, then, that the 32 men whom he, Caldwell, affected to seek, went in the *Emilie Pereire*, and in swearing that some thirty that had left the *Sunfook-tie hong* answered to the names and description of the men that had been brought by Shum Ahing from Hongkong, Caldwell, it is clear, swore to what was false; and the probabilities are that Asoong swore also to what was false in saying that he saw the 32 in a boat after landing; the inference desired being that these 32 were then going off to the *Emilie Pereire*.

As to the Harbour Master's record, there can be no doubt about it. That official's office closes at three and before that hour—before Caldwell and Asoong reached Macao—the Certificate was formally filled in in the books that can be produced, that the *Emilie Pereire* had cleared with 460 on board.

This I call, for precision of reference, Point No. 1.

Taking Mr. Caldwell's evidence at the Magistrate's Court *seriatim*, we next find him saying that "at the Barracoon called *Wo-shang*, as soon as we appeared, four of the Coolies came forward and spoke with 'Ng Asoong and corroborated the statement made to me by him of their having been kidnapped and sold."

Admitting that these four were of the 45, though not admitting that they were kidnapped, the question arises how is it that neither of these four gave evidence of the kidnapping at the trial of Shum Ahing?—Their names, as found in the Contracts in the Macao Procurador's office, and appearing in the certified copies of the same appended, were *Hum joi quin*—*Cum in quay*—*Chom Achin* and *Chom Ajap*, and all of them could write. But the name of the man produced in the Hongkong courts was *Kwon-sun-kwan*, and he could only make a mark for his name. The reasonable inference from this circumstance is that these four could not be depended on to say other than that they had voluntarily consented to go to Havana, and therefore were not kidnapped. This I call Point No. 2.

"The next day" says Caldwell "Asoong was sent to a Barracoon with a Police constable, and returned with one man, who made a similar statement to that received from the four previously released." Now as regards this man, called Chong Afa, there can be no doubt, as Mr. Marquis says, of his impostorship, for the contract which he had signed bears date the 6th of December; (copy appended) the very day on which, according to the evidence, the whole 120 left Cupehee over a hundred and fifty miles from Macao. The acceptance of this man, as one of the forty five, evidences a recklessness in the mode of getting up the evidence, altogether unaccountable. Caldwell appears, in short, to have been satisfied that any thing would do for a Hongkong Magistrate and for a Hongkong Jury, if he presented it.

This I call Point No. 3.

Point No. 4, is this,—That Kwon-sun-kwan, who swore and deposed at the Courts in Hongkong was certainly not one of the five released by Mr. Caldwell at Macao, and has to be looked on as a suborned perjurer.

I now come to deal with the man Ahsoong. In his first statement to Mr. Caldwell, this man said that, after being taken to Macao by Shum Abing, “33 of our number, including myself, were retained in the Barracoon (Sun-fook-tai)—After about 4 days we were all, “33 in number, taken before the authorities, and when they asked us if “we would go, we did as we were told and nodded our heads * * “We were escorted to the house of the authorities and back “to the Barracoons by several Chinese and Portuguese * * I remained in “the Barracoon till the 10th of January * * and watching my opportunity “I made my escape out of the barracoon through this door.”—

Now as the Coolees contracting only go once to the house of the authorities, viz at the time when they sign their Contracts, the Procurador to test the truth of this statement sent for the Contracts of the three Coolees that had escaped out of the hong during the month of December, and as the name of Ahsoong was not found amongst them, he was desired to explain; and to assist in identification of the man, all the Portuguese people belonging to the barracoon were desired to attend; and these men, under oath, then declared that they had seen the informer often in the Barracoon with the brokers * * but that *he never was admitted as a Coolee in the Barracoon*. One of the Barracoon men indeed, swore positively to him as being a broker; but this man is gone to Hankow, and cannot be produced to give legal evidence. I shall content myself therefore with having made this point—on the evidence accompanying Mr. Marquis’s statement referred to in Point No. 1, and to be cited presently, that Ahsoong confessed it was true *he was not a Coolee that had escaped but a broker*.

Mark now the criminal conduct of Mr. Caldwell! Interpreter Delfino Xavier, whose sworn deposition before the Procurador I append, says in effect,—when Mr. Caldwell heard the informer admit that he was a broker, not a Coolee that had escaped (and therefore that all his scheme had fallen through) he said in a low voice—*you must persist in asserting that you are a coolee not a broker*—What can be clearer as proof of Caldwell’s guilt than this? The point No. 6.

And then what was Caldwell’s conduct?—Why he brings Ahsoong back to Hongkong, and, in the face of the knowledge of this Delfino Xavier, of Mr. Procurador Marquis, of another Interpreter of the name of J. B. de Luz, of Lieutenant C. da Silva, and Cheang Achun, all of whom can be produced to prove that Ahsoong admitted in their, and in Caldwell’s presence that he was a broker, and not a

Coolie that had escaped, he placed the man in the witness box, as a *Coolie that had escaped* to convict Shum Ahing of kidnapping.

This I will call Point No. 7.—And I respectfully submit Sir, that, as Grand Jury, you have ample evidence on which to base a prosecution against D. R. Caldwell of having with the Chinese 'NgAsoong and Kwon-sun-kwan, wickedly devising to procure the conviction and punishment of Shum Ahing, on the 2nd of February 1860, before the Acting chief Magistrate of Police, Hongkong, amongst themselves unlawfully conspired, combined, confederated and together agreed to falsely and fraudulently charge the said Shum Ahing with having kidnapped and sold into slavery forty five Chinese, On this charge the said Shum Ahing was committed to take his trial, and on the evidence of the said conspirators, on the 21st day of February 1860, was wrongfully convicted and sentenced to four years' penal servitude.

And I further present to you the said D. R. Caldwell and Joseph Scott, Governor of Victoria Goal, who devising and intending to procure the continuance of the sentence passed as aforesaid on the said Shum Ahing, and to prevent enquiry into the truth of the matter charged in the said indictment of the said Shum Ahing, did on the 23rd day of March 1861, among themselves unlawfully conspire, combine, confederate and agree together to charge me with having induced the said Shum Ahing to draw up a statement implicatory of the said D. R. Caldwell of an improper intimacy with the pirate Mah-chow wang before mentioned; and in proof of this false and fraudulent combination and confederacy I submit the attested copies of declarations before Her Majesty's Vice Consul at this port, of James Ritchie, John Ross and William Gant, as hereunto appended;—and I further charge the said D. R. Caldwell and Joseph Scott with having amongst themselves feloniously conspired, combined, confederated and agreed together to assail the life of the said Shum Ahing, first by threats of corporeal punishment, to wit on the 12th day of March 1860, when the said Shum Ahing was locked up in a solitary Cell in the Victoria Gaol, where means were placed to his hand to commit suicide, and afterwards, within nine days of the said date, by flogging or causing him to be flogged three several times on the back, whereby the flesh of the said Shum Ahing was torn and lacerated in a frightful manner. And in proof of this the Turnkeys John Ross, and James Ritchie, and the Warden of the Gaol, W. R. Whiteman, together with myself, can give evidence.

In conclusion I beg to inform you that His Excellency the Governor of Macao has authorized me to say that, on the request of the Hongkong Government, he will direct the Portuguese officers I have mentioned to attend the Court and give the evidence embodied and referred to in this letter and its accompaniments. And all the others mentioned as able to

testify will attend when called upon. For myself, my humble services are always at your disposal in the cause of truth and justice.

I have the honor to be—Sir,

Your most obedient Servant,

W. TARRANT.

P. S.—I am afraid that I have not made the charges involving Mr. Scott in the conspiracy sufficiently explicit. Going further in detail then, I would assume that proof of conspiracy in most cases has to depend on the inferences to be drawn from certain results. Now the result to which I draw attention is this. On the 23d of March, 1861, Shum Ahing being then as now in gaol, Caldwell wrote to Scott, and Scott replied, in effect thus;—that while I was in the Criminal Gaol, under punishment for libel, I was on terms of great intimacy with Shum Ahing. That he had seen me with my arms round his neck, and that he had several times separated us. Well, the atrocious falsehood of this story is clearly proved by the declarations of Ritchie and others appended, and I deny it in toto.

What then was the object of the concoction? The answer is—to make it appear that Shum Ahing was so much under my influence as to be ready to do all I told him, and in proof of this readiness he wrote that statement implicative of Caldwell in his intimacy with Mah-chow Wong, which led to Shum Ahing's examination by the Council when he gave such proof of that intimacy, as, with other, led to Caldwell's dismissal from the Government Service.

I need not further point out that the discredit attempted to be fastened on Shum Ahing was calculated to confirm his sentence, and to check enquiry into the means which led to his conviction. That it has had this effect is patent by no steps being taken by Government to release the man from his painful position. The wrongfully convicted Shum Ahing—still languishes in gaol, subject to all its torture!

So premising, a necessity for detail in the last charge is less apparent. Caldwell, after Shum Ahing's conviction, was more than once in the gaol, and spoke to him; and as it is proved that he and Scott concocted one lie together, it follows that it is reasonable to infer that they concocted and devised the rest.—W. T.

ABSTRACT of papers accompanying letter to the Attorney General
of date the 27th February, 1862.

A—Mr. Marquis's letter acknowledging general correctness of—

B—Letter to Mr. Marquis of 19th February, 1862.

C—Mr. Boyé's declaration before the British Consular Agent on
the 19th February.

D—Certificate by Captain of the Port, of despatch of *Emilie Pireire*.

E—Released Coolee contracts and certificate.

F—Deposition of Delfino Xavier.

G—Cheang Achun's declaration.

H—Declaration of Procuraturate Interpreters.

I—Declaration of Ritchie and others.

THE ANSWER.

HONGKONG, *March 4th*, 1862.

SIR,—Having perused the papers which you have submitted to me, and having considered all you said in reference to the charges you made against Mr. D. R. Caldwell, I have to inform you that it is no part of my duty to undertake the prosecution which you appear to think it is incumbent on me to institute.

In substituting the Attorney General for the Grand Jury, the Colonial Legislature abstained, and as I think properly, from vesting in him the powers of the Grand Jury to receive evidence on oath. I am unable therefore, as the substitute for the Grand Jury, to supersede the ordinary functions of the Police Magistrate.

I therefore return the enclosed papers to you, in order that in case you consider that the papers justify any criminal proceedings, you may apply to the proper Tribunal.—I am Sir,

Your obedient Servant,

W. TARRANT. Esq.

JOHN SMALE,
Attorney General.

Enclosure marked A.

WILLIAM TARRANT Esq.,

SIR,—I have received your letter dated the 19th, and I have perused with attention.

As to your understanding in relation to the matter regarding which Mr. Caldwell came to Macao in 1860, I find the great part of your remarks correct.—I am,

Your obedient Servant,

signed, L. MARQUIS,
Procurador.

The above is appended to a copy of the letter, and sealed with wax and official stamp.

True copy

W. TARRANT.

Enclosure marked B.

Macao 19th February 1862.

L. Marquis Esq., Procurador.

SIR,—Having reference to the various enquiries which I have made at your office lately, and of yourself on the subject of the narrative which you sent to the Editor of the *Daily Press* on the 5th March 1860, and, as I have shown you, bound up in an appendix to Minutes of enquiry into Civil service abuses before the Executive Council of the Hongkong Government; and more particularly regarding Mr Caldwell's reply to your letter of the 29th of February, of date the 10th of March 1860, bound up in the same volume, I shall feel obliged if you will append to this letter (which I send in duplicate) a certificate of your appreciation of my having correctly understood your and the other statements.—

Commencing with the 10th printed paragraph of the letter, on the 35th page of the appendix—you say that you deny that it was *proved* to you that the five men whom Mr Caldwell relieved from their contracts were kidnapped. When the men found that by saying they did not want to go they could be released, they said so; and you opine that every contract coolie in Macao would make a similar statement, though that would not prove that they were kidnapped.

As to para 12 on the same page,—Had the informer pointed your attention at the time to the man whom he said was one of the brokers that

came from Hongkong with the 45 Coolees, you would have apprehended him.—But neither did he then nor subsequently; and when you found that the informer was an impostor, you came to the conclusion that his assertion of having seen such a person at all was of a piece with the rest of his conduct.

As regards paras 15 and 16 on page 36, in which Mr. Caldwell speaks of inaccuracies on your part in the statement of what he told you when he first came over regarding the Coolees,—while adhering to your impression on the subject, and now believing that you were intentionally misled, you say that it matters not whether the informer were or were not a policeman after he reached Hongkong from Macao. What was clear to you was that the informer lied when he said that he had been confined in the Sun-fook-tie hong, and that he was one of three that had escaped in the month of December. The names of the men who so escaped, as shown by the Register of coolees who had signed contracts, and were intended to go in the *Emilie Pireire*, were Leon Ao-an of Hoi-ping, Le Ahee of Chau-choon, and Sun Acum of Fa-yen. These men were received in October, and escaped on the first of December;—whereas the informer called himself Asoong, and to have been one of the 45 from Hongkong for whom Mr. Caldwell affected to seek, could not have been in the Hong at the date of the escape in question; the said 45, according to the story, only reaching Macao on the 27th of December.

As to para 18 on the same page, you adhere to your statement that the informer said *four* of his companions were at the Barracoon at St. Antonio.

As regards para 21 on the 36th page, touching the Coolee brought from the St. Lourenço barracoon and released by Mr. Caldwell, you say *this man was undoubtedly an impostor*, for the contract which he had signed bears date the 6th of December; and you supply me with an attested copy of this contract *viz* No. 154, between Chong Afa and Messrs. Morales & Co. You also furnish to me attested copies of the contracts of the four others released by Mr. Caldwell; and you notice that *Kwon-sun-Kwan* who corroborated Asoong's evidence at the Supreme Court on the trial of Shum Ahing, is not the name of either of the five men taken from Macao by Mr. Caldwell.

As to para 22 on the same page, in which Mr. Caldwell speaks of the consistency of the statements of the Coolees so brought to you with that of the informer, who Mr. Caldwell said had had no possible means of concerting with the others to make up the story, you point out that, as it is proved by the evidence of J. Fernandes, of D. Xavier, of F. B. da Luz, of C. G. da Silva, of Cheang Achan and of others, that the informer was a Coolee broker *on his own admission*, the supposition that the story could not have been concerted fails; for, as a broker, Asoong had free access to all the barracoons, going in and out whenever he pleased;

and it is to this liberty of his, of going in and out of these hong, that you ascribe his knowledge of three of the *Emilie Pireire's* Coolees having escaped from the Sun-fook-tie Hong in December. Fernandes unfortunately is gone to Hankow, but the evidence of Cheang Achan on the head is strong. A copy of this evidence, to which you append your official seal, you give to me, and it runs to the following effect.—

“Cheang Achan declares (before the Procurador this 19th February, 1862) that in the first month of the year before last, having business at this office, he was present when a Chinese of the name of Asoong, whom he had previously known as a *Hak-tow*, or Coolee broker, having first said that he was one of some Coolees that had been kidnapped, and that he had escaped from a hong, altered his statement and admitted to Mr. Caldwell that he was a broker and not a Coolee that had escaped. And the declarant says that Asoong was the man who brought Coolees from Hongkong and gave them over to Sam-quai of the Sun-fook-tie hong;—he knows this because four of the Coolees who had signed contracts and had passed into the *Wc-shang hong* were given back to Mr. Caldwell and went to Hongkong.”

The evidence of Delfino Xavier is most extraordinary.—It runs—

“On the 18th day of February, 1862, at Macao in the Procurador's office, the Linguist Delfino Xavier declares on oath—that he was Interpreter on the interrogation of the Chinese Asoong who came from Hongkong to Macao with Mr Caldwell in 1860. The said Chinese, on being interrogated before the Procurador of the city declared, in the beginning of his evidence that he arrived at Macao as a Coolee, and afterwards declared he was a broker, and this being heard by the deponent he immediately notified the same to the procurador who ordered him to be cross-examined. And being interrogated before Mr. Caldwell, then present, the said Chinese answered that he was a broker and not a Coolee. MR. CALDWELL THEN, IN A LOW VOICE, TOLD THE SAID ASOONG THAT HE WAS NOT TO DECLARE THAT HE WAS A BROKER; and for the truth of this the deponent now signs this paper together with the Procurador and the clerk who wrote it.

Signed, Pío Maria de Carvalho

Clerk of the Procuturate

Signed DELFINO XAVIER.

2nd Lingoa Ordinario.

Signed

L. MARQUES.

Procurador.

This deposition, bearing your official seal, you furnish to me, with permission to make what use I see fit of it. And similar testimony is given by F. B. da Luz, the interpreter who deponed on oath to the correctness of your narrative bound up in the volume before referred to.

First Lieutenant C. G. da Silva, also a deponent to your narrative, and whose sworn attestation appears at pages 26-7 of the appendix mentioned, you were so good as to ask to call at your office, that I might hear for myself what he had to say regarding the character of Fernandes, &c., when he repeated what you had stated of him, and also as to the deportment of Mr. Caldwell when Asoong admitted that he was a broker,—“Mr. Caldwell shrugged his shoulders and looked like a fool frustrated.”

What has been said on the preceding renders comment on paragraph 23 on the 36th and 37th pages superfluous; nor, if you had a doubt regarding your memory of the circumstances, corroborated by so much testimony, can you see a reason for what Mr. Caldwell calls “trumping up” the accusation that the man Asoong was an impostor. Asoong’s own testimony condemned him. First he said he was one of 33 at the Sun-fook-tie hong that *had* signed contracts; then, when the contracts of the escaped men were produced, and it was found that he lied, he altered his story, and said he was one of the 12 of whom only some had been left at the hong, and that he had *not* signed a contract.

As to para 24 on page 37, as the book in question cannot now be found among the books left by the manager of the hong with his wife, nothing more can be said further than that you do not remember the difference in name spelling &c. being pointed out at the time.

With reference to para 27 at page 57 in which Mr. Caldwell says that the shop-keeper who was convicted of kidnapping neither in his statement before the Magistrate nor on his trial at the Supreme Court even hinted that the boy (Asoong) who was the principal witness against him was a broker, you ask me if I can tell you if the ‘Ng Attuck, whom the convicted shop-keeper calls the complainant against him, and whom he said was a broker, is identical with the ‘Ng Asoong in question. This I cannot answer; but as no such name as ‘Ng Atuck appears in the depositions before the Magistrates, and Shum Ahing calls him “the complainant” the inference is that the names apply but to one man. If this be so, and the point will be ascertained, a more brazen attempt at imposition can hardly be conceived. There are no means, however, beyond reliance on the justice of Mr. Caldwell’s actions, to certify that the man brought to Macao by Mr. Caldwell, and the man exhibited to the prisoner, are one and the same; and the same remark applies to the identity of the man Kwon-sun-kwan, the second witness, whose name, as before pointed out, is certainly not one of the five for whom the government of Hongkong disbursed \$192½.

Finally you tell me that you did not answer the letter to which I now draw your attention because you felt certain that Mr Caldwell knew as well as you did that the man Asoong was an impostor, and in putting him in the witness box, to convict a man of felony, and to depone

that he was a Coolee who had escaped, when it was most clearly proved that he was nothing of the kind, but a well known broker, was so astonishing that you could not rest until you had made the public acquainted with the crime that had been perpetrated by the imposition practised.

And now, in order that you may the better comprehend my reason for asking the question, and my general motive for the foregoing enquiries, I must explain to you that when the shopkeeper whom Mr Caldwell speaks of having been convicted of kidnapping was brought into the gaol, his story to me was that he had had no more to do with the business of the men going to Havana than to receive out of their advances a sum of money due for having boarded them;—that only 10 men had agreed to go to Havana, and the rest went to the Straits, whither they would all have gone if money could have been obtained in an advance of wages.

This, in effect, was a contradiction of the purport of the prosecution, which had for its presumed object the punishment of one supposed to be an experienced Kidnapper. The Shop-keeper's story if true, goes, in short, to prove that he was no Kidnapper at all. When therefore I saw that Mr. Caldwell, for reasons since become too apparent, had suborned evidence to prove that the whole 45 had been kidnapped and coerced, I resolved on asking you, as I have recently done (and should have asked before but that I waited to see the result of the investigation by the Executive Council of the Hongkong government into the matter)—how you arrived at the fact stated in your narrative published in the *Daily Press* that “we found that the most part of the 40 and odd Coolees had already been shipped on board the *Emile Pereire*.?”—Your answer is that you did not as certain it at all; but that you concluded it was so because Mr Caldwell said so.

Further questioned you say—you did not see the books of the hong, nor the proprietor of it, on the occasion of your calling with Mr Caldwell; and you do not see how Mr Caldwell was satisfied that the thirty and odd Coolees which had left the Sun-fook-tie hong for the *Emilie Pireire* were Coolees who “answered to the names and description” given by Ng Ahsoong;—and Florentino dos Remedios, Interpreter, on being questioned by me, confirmed what you said, viz that no books were produced, nor was any evidence given of the Coolees answering to any particular description. Coupling this with the fact of the informer proving to be an impostor, I am confirmed in my belief that the shop keeper, convicted on Mr. Caldwell's suborned evidence, told the truth when he said only ten had gone on or agreed to go to Havana.

In further corroboration of the convict's story to me, that he received only a small amount of money—(and at the Police Court on his first

examination he said the amount got by him was \$163 and 33 taels—say in all 205 dollars)—as you are aware, the Interpreters whom you sent to examine the books of the Sun-fook-tie hong, and whose depositions you supply to me, found entries of payments to one Lo (Mr.) Sum 沈 (answering to the name Sum Ahing) of \$202½ and these payments were within the exact period which according to the evidence of Ahsoong, Shum Ahing staid at Macao, viz from the 26th of December to the 12th of January. Now the broker Asoong said that *he heard* the Coolies were sold for \$27½ each. This for Ten would be \$275; and if to the \$202½ found as above, as paid to Shum Ahing, is added the \$72 before found entered in the Sun-fook-tie hong's book as to the broker Asoong, it is as complete a corroboration as we could have of Shum Ahing's statement that he only took advance (after the rate of \$27½ each) out of the aggregate of which he received what was due to him, and Asoong the *actual broker*, got the rest.

Mr. Caldwell, with an extraordinary penchant for imputing evil motive to all whose testimony is adverse to him, has charged this entry of payment of 72 dollars to Ahsoong as a forgery. Forgery or not it was impossible at the time to see that the figures would dovetail with the others mentioned, and so form an indisputable proof of the truth of the wrongfully convicted Shum Ahing's story.

Besides, had he, Shum Ahing, got \$27½ each for 45, he would have taken to Hongkong over \$1200, and with such a sum in hand, or at command, would hardly have laid in the debtor's goal two days awaiting bail when arrested on a debt of \$173, for which he had become liable on account of the wife of Mah chow wang; in fact it is now notorious that he was too poor to fee a lawyer to defend him on his trial.—

I have the honor to be,

Sir, Your obedient Servant.

WILLIAM TARRANT.

Enclosed marked C.

On the nineteenth day of February, in the year of our Lord One Thousand Eight hundred and sixty two, personally came and appeared before me Eugenio Leonardo Lanca, Esquire, Her Britannic Majesty's Acting Consular Agent at Macao, Leon Boyé Esquire, Agent in Macao of the Company General Maritime of Paris, who did solemnly declare and state as follows:—

I, Leon Boyé, having read the printed deposition of Mr. D. R. Caldwell on the 2nd day of February 1860, before Mr. W. H. Mitchell,

Acting Chief Magistrate of Hongkong, in which, having reference to some forty five men brought from Hongkong and placed in the *Sun fook tie hong*, Mr. Caldwell states—"On Monday morning the 23rd instant" (January 1860) * * "at the Sun fook tie Barracoon I ascertained that "thirty two men, answering to the names and description given by Ng "Ahsoong had been shipped two days previously for Cuba by Mr. Boyé "in the French ship *Emilie Pereire*"—do solemnly and sincerely declare that from the Chinese labour broker Sam-qui, who was the manager of the said Sun-fook-tie barracoon, I did not receive any Coolees for the ship *Emilie Pireire* after the 31st December 1859, on which day I received 25. On the day preceding I received from the said Sam-qui one—On the 27th of the same month seven, and on the 24th—two.

But of the thirty five here specified I can state of my own knowledge that not one was of the 45 brought from Hongkong before referred to.

And I further solemnly declare and state that some time in the said month of December 1859, being in Hongkong, I heard that over a hundred men were in a hong on the sea side at the west of Victoria, and thinking that these men might be desirous of entering into a labour contract to go to Havana, I called at the said Hong and found 40 or 50 Coolees, who one and all declined, through the Interpreter with me, to go to Havana. Shortly afterwards I heard, in Macao, that these coolees had come to Macao when I again enquired if they would go to Havana, and was then told that some of them had gone to the hong of Mr. Beuzant, but none of them were engaged for me to go in the *Emilie Pireire* or any other ship under my agency. And the names and native places of the coolees supplied to me by Sam-qui from the Sun fook tie hong aforesaid, on the days mentioned were as follow:—all of the said places from which these coolees came being on the west coast of China, or here about,—not on the East coast according to what would be *correct* descriptions of places about Kap-chee.

Names and native places of certain coolees received from Sam-qui, for the *Emilie Pireire*.—

24th December 1859.

No. 230—Lun A sam, aged 30 of Chan-sian.

„ 231—Siu Afoo „ 30 „ Pun-hy.

27th December 1859.

No. 232—Chun Ajom, aged 24 of Ton-cun.

„ 371—Leong Aloy, „ 29 „ Lam-hoi.

„ 372—Lao Atae, „ 30 „ Hun-chin.

„ 373—Con Apin, „ 30 „ Vai-toi.

„ 374—Lai Ajin, „ 30 „ Vai-loi.

„ 375—Von Aloy, „ 30 „ id.

„ 376—Von Ayen, „ 38 „ Loc-fung.

30th December 1859,

No. 233—Chau Acat, „ 18 „ Ton-cun.

31st December 1859,

No. 346—Hip Atun,	„ 30 „	Tim-pac.
„ 347—Tan Ahi,	„ 32 „	Lo-chao.
„ 348—Chao Apoo,	„ 30 „	Hun-chin.
„ 349—Chao Apat,	„ 30 „	id.
„ 350—Choi Asan,	„ 30 „	Lan-chao.
„ 351—Lo pien hien,	„ 35 „	Tim pac.
„ 352—Chom Apun,	„ 25 „	Lan chao.
„ 353—Tom Atun,	„ 32 „	Tim-pac.
„ 354—Chou Aquae,	„ 22 „	Hun-chin.
„ 355—Tu Apun	„ 32 „	Tim pac.
„ 356—Pan Ahun,	„ 33 „	Hun-chin.
„ 357—Chau Apun,	„ 28 „	Tim pac.
„ 358—Chom Achim,	„ 22 „	Hun-chin.
„ 359—Choi Asan,	„ 33 „	Lan chao.
„ 360—Chiu Atim,	„ 35 „	id.
„ 361—Ma Achan,	„ 28 „	Hun-chin.
„ 362—Lao Atae,	„ 29 „	id.
„ 363—Hu Asan,	„ 32 „	Lam-chao.
„ 364—Lum Achoi,	„ 32 „	Hun-chin.
„ 365—Chom Achan,	„ 30 „	id.
„ 366—Chan Asum,	„ 32 „	Lam-chao.
„ 367—Tam Apun,	„ 30 „	Hun-chin.
„ 368—Chao Ahon,	„ 25 „	Lan-chao.
„ 369—Fu Apun,	„ 32 „	Hun-chin.
„ 370—Tom Amao	„ 30 „	Lan-chao.

Prior to the 24th of December I had engaged 229 Coolies for the *Emilie Pireire*. After that, and up to January 5th, I received 36 Coolies from Sam-qui—then 111 from Ho, Afoc, all west coast men, and the rest, making a total of 460, I received from the ship *Soo-loo*, as brought from Whampoa.—

Finally I declare that the ship *Emilie Pireire* was dispatched by me on the 21st of February 1860, and on the 22nd, the day after, I paid the Pilot who took the ship to sea ;—and I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Britannic Majesty King William the fourth, intituled an act to repeal an act of the present session of Parliament intituled an act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu

thereof, and for the more entire suppression of voluntary and extra judicial oaths and affidavits, and to make other provision for the abolition of unnecessary oaths.

Signed L. BOYE.

Thus declared in due form of law at the office of the British Consular Agency, Macao, the day and year first above written.

Before me

Signed E. L. LANÇA.

[L.S.]

B. C. Agent.

I certify the above to be a true and correct copy of the declaration made before me by Mr. Leon Boye on the day mentioned.

E. L. LANÇA,

B. C. Agent.

Enclosure marked D.

o (Certificate of the despatch of the *Emilie Pireire*.)

Joze Maria da Fonseca, Cavalleiro da Ordem da Nossa Senhora da Conceição de Villa Viçosa, Segundo Tenente da Armada Real, e Capitão do Porto de Macao; etc.—

A requirement do Sr. William Tarrant, certifico un como a gallera Franceza *Emile Pireire*, Capitão Poirser, foi despachada deste porto de Macao para a de Havana com quatro centos sessenta colonos Chinas, no dia vinte e um de Janeiro, do Anno de mil oito centos sessenta.

Stamped paper.
No 6457.

Capitão do Porto de Macao 3 de Março
de 1862.

Signed J. M. DA FONSECA.

[L.S.] o

Capt. do Porto.

40 Rs.

Signed, Roeha.

Enclosure marked E.

(Released Coolie Contracts and Certificate)

En abaixo assignado Procurador do Leal Senado de Macao, certifico que os papeis appensos adiante, são copias verdadeiras de contractos assignados perante mim pelos Chinas Colonos a saber:—

No. 154 Em 8 de Dezembro de 1859, pelo China Chong-Afá de Vai-Chau.

No. 275, Em 4 de Janeiro de 1860, pelo China Hum-Gui-Ki de Sun-Cháo.

No. 276, *Idem* pelo China Cum-Hin-Kuai—*idem*.

No. 277, *Idem* Chom-Achin *idem*.

No. 278, *Idem* Chom-Ajap *idem*.

E declaro mais que os ditos Chinas foram reclamados por Mr. Caldwell, e entregues ao mesmo, e obrigando-se elle a pagar as despesas que os Estabelecimentos fizeram com os ditos Chinas Colonos, como da carta do mesmo Mr. Caldwell, a mim de 8 de Fevereiro de 1860, cuja copia vai junta a este.

Macao, Procuratura 19 de Fevereiro de 1862.

LOURENÇO MARQUES.

L. S.

Procurador.

TRANSLATION.

The undersigned, Procurador of the city of Macao, hereby certifies that the papers hereunto appended are true and correct copies of the contracts, which were entered into before him by the Chinese in, and on the days in the same mentioned.

To wit—

No. 154—of the 6th December, 1859—by Chong Afa of Wai-chow.

No. 275—of the 4th January, 1860—by Hum-joi-quin of Sun-chow.

No. 276—of the 4th January, 1860—by Cum-in-quay of Sun-chow.

No. 277—of the 4th January, 1860—by Chom Achin of Sun-chow.

No. 278—of the 4th January, 1860—by Chom Ajap of Sun-chow.

And he further certifies that the said Coolies who executed these contracts are the five persons who were given over to Mr. D. R. Caldwell on the guarantee for repayment of their expenses referred to in his letter of the 8th February, 1860, also hereunto appended.

No. 154.

CONTRATA.

Nombre Chong-Afá,

Provincia Vai-chau.

Edad 32 años,

Profesion Colono.

Digo Yo Chong-Afá natural del pueblo de Vei-Chau, en China de edad de 32 años, que he convenido con Dn. Alexandre Boyer, Agente de los Señores J. M. MORALES y Ca, lo que se espresa en las clausulas siguientes :

*

*

*

*

*

*

*

Y en fende cumpliremos mutuamente lo que queda pactado en este documento firmamos dos de un tenor y para un solo efecto ambos contratantes en Macao, á 6 de Dezeimbro de 1859.

por las Sñr. J. MORALES y Ca.

Acenatura LOURENÇO MARQUES, Acenatura ALEX. BOYÊR.

Procurador.

No. 275.

CONTRATA,

Convenio celebrar en * * * China hoy dia de 4 de Januario
año de Nuestro Señor de 1860 entre * * * por una parte;
y por la otra de *Hum-joi-quin*, natural del distrito de *Sun-chau* en China,
edad de 32 años y de oficio *Culi*. * * * *

Acenatura L. MARQUES,

Procurador.

No. 276.

CONTRATA,

Convenio celebrar en * * * China hoy dia 4 de Januario
año de Nuestro Señor de 1860 entre * * * por una parte;
y por otra de *Kum-in-quay* natural del distrito de *Sun-chau* en China,
edad de 32 años y de oficio *Culi*. * * * *

Acenatura L. MARQUES,

Procurador.

No. 277.

CONTRATA,

Convenio celebrar en * * * China hoy dia 4 de Januario
año de Nuestro Señor de 1860 entre * * * por una parte;
y por otra de *Chom-Achiu* natural del distrito de *Sun-chau* en China,
edad de 82 años y de oficio *Culi*. * * * *

Acenatura L. MARQUES,

Procurador.

No. 278,

CONTRATA,

Convenio celebrar en * * * China hoy dia 4 de Janeiro
 año de Nuestro Señor de 1860 entre * * * por una parte;
 y por otra de *Chom-Aiap* natural del distrito de *Sun-chau* en China,
 edad de 32 años y de oficio *Culi*. * * * *

Acenatura L. MARQUES,

*Procurador,**Copy.*

Victoria, 8 February, 1860.

My Dear Sir,

Enclosed I beg to hand you a warrant to the Colonial Treasurer to pay you the sum of \$192.50 the sum guaranteed by me to be paid to you for the expenses of the 5 Coolees. I also enclose duplicate receipts for your signature—these with the warrant you can send over to any one here to receive the money—Pray excuse haste as I am afraid I shall lose the Steamer.

Your's Truly,

D. R. CALDWELL.

LOURENÇO MARQUES Esqr.

*Procurador, &c, &c. MACAO.**Inclosure marked F.*

Deposition of Delfino Xavier—(for translation of which see page 12 ante.)

Aos dezoito dias do mez de Fevereiro de 1862 annos em Macao e Cartorio da Procuratura, declarou o Lingoa Ordinario Delfino Xavier, de baixo de juramento, que servindo-se elle d'Interprete n'Interrogação do *Chin Assun*, que veio d'Hongkong, a Macao junto com o Mr. Caldwell em 1860, sendo o dito China interrogado perante o Snr. Procurador da Cida'e declarou ao principio que tinha vindo a Macao como eule, e depois declarou que era Corrector, o que ouvido por elle Xavier dera logo parte dist ao Snr. Procurador, que ordenou fosse de novo interrogado o dito *Chin Assun*; o qual sendo perguntado perante o Mr. Caldwell que se achava presente n'essa occasião, respondeu que elle era Corrector, e não eule; o que ouvido por Mr. Caldwell este fallara de voz baixa, ao dito

Assun. que não declarasse que era Corrector. E por ser verdade o referido se fez este Termo em que se assignou o declarante com o Snr. Procurador da Cidade e comigo Escrivão, que o escrevi.

PÍO MARIA DO CARVALHO.

Escrição da Procuratura.

L. MARQUES,

Procurador.

DELFINO XAVIER,

2a. Lingoa Ordinario.

Enclosure marked G.

(The purport given at page 12 ante.)

鄭俊到亭言明因前年正月初間有客頭名亞嵩帶客三拾五名交與郭三桂白馬行新福泰字號後因我在亭有事聞理事官問及亞嵩等伊在理事官面前認是客仔後出外房亞嵩自認係客頭即時通事老番在前亦聞亞嵩自認客頭通事向理事官及味吐略略云說知亞嵩在外邊房有認客頭之事我認得亞嵩由香港帶客交三桂新福泰事因咖嘍和生行交回原去客仔四名與味吐嘢略略帶回香港故以知此事是實見証人李心旺

同治元年正月二十日 鄭俊字

Enclosure marked H.

Declaration of Procuratuate Interpreters, referred to at page 15, regarding the entries of money payments to Shum Ahing by the Sun-fook-tie hong.—

Aos dezoito dias do mez de Fevereiro de 1862 annos, em Macao o Cartorio da Procuratura declarou o Lingoa Mauricio Xavier debaixo de juramento, que elle acompanhado do Mestre China da Procuratura *Li-Sy*, fora á Caza d'Opio *In-Ky* No. 4, na Travessa da Caza-Forte, onde reside a mulher *Allin*, concubina do China *Koc-Sam-Kuai*, antes Chefe de Correctores do Estabelecimento na rua d'Hospital por nome *Sun-Foc-Tai*, e tudo isto por ordem do Sr. Procurador da Cidade, para ver se encontrava algu Livro pertencente ao dito *Koc-Sam-Kuae* digo que ultimamente partira para Sincapura, e o dita mulher lhe entregara varios Livros, e entre estes se encontrara um de que diz respeito ao negocio de Colonos, e examinando-se o encontraram-se as seguintes—verbás.—Em 9o. Anno de Hieng-Fong, 4 de 12a. Lua. (27 de Dezembro de 1859), despendeo-se \$1,50 \$1 \$4 e \$10 com pagamento ao Corrector *Lo-Sum*

Soma, \$16,50

Em 28 de Dezembro—\$20 e 4,	...	...	...	„ 24 „
„ 29 „ „ 5 e 10,	...	...	...	„ 15 „
„ 30 „ „ 10 e 4,	...	...	...	„ 14 „
„ 1 de Jano. 1860 „ 24—	...	...	...	„ 24 „

T. m. c.

(10 1 2)

„ 2 „ \$14 e 20,	...	...	...	„ 34 „
„ 3 „ „ 10 e 10,	...	...	...	„ 20 „
„ 4 „ „ 1—	...	...	...	„ 1 „
„ 6 „ „ 2 e 5,	...	...	...	„ 7 „
„ 11 „ „ 33—	...	...	...	„ 33 „
„ 13 „ „ 14—	...	...	...	„ 14 „

Soma—\$202,50

E com consentimento da dita mulher *Allin*, elle declarante e o Mestre China da Procuratura trouxeram o dito Livro, e e depositaram na Procuratura.

E por ser verdade o referido se fez este Termo em que se assignou of dito declarante comigo Escrivão que o escrevi.

PIO MARIA DO CARVALHO,

Escrivão da Procuratura.

LOURENÇO MARQUES,

Procurador.

MAURICIO XAVIER,

Eu abaixo assignado, Mestre China da Procuratura, declaro, e concordo com a declaração acima feita pelo Lingoa Mauricio Xavier, e que tudo é verdade.

Macao, Cartorio da Procuratura, Fevereiro de 1862.

Assignado 李 do Mestre
China 仕 da Procuratura
LI-SY

P. M. DO CARVALHO.

Enclosure marked I.

I hereby certify the paper writings hereunto appended to be true and correct copies of declarations made before me by James Ritchie, John Ross and William Gant, on the days in the same respectively mentioned.

Signed W. H. FITTOCK.

H. B. M. Vice-Consul for Canton.

British Consulate,
Canton, 10th February, 1862.

This is the paper writing referred to by James Ritchie and John Ross in their declarations before me of the Fifth of February, 1862, and by William Gant in his declaration of the Sixth day of February, all hereunto appended.

(L.S.) Signed W. H. FITTOCK.

H. B. M. Vice-Consul for Canton.

The undersigned, when well enough to get out, is willing to make affidavit as follows:—

I James Ritchie, a Tide waiter in the Canton Customs' Service, presently an Inmate of the Civil Hospital, Hongkong, make oath and say—

1.—That I have read a letter from Mr. Caldwell to Mr. Scott and Mr. Scott's reply, both printed at page 138 of the Minutes of enquiry into the Civil Service abuses before the Executive Council, and also published at pages 111 & 113 of a Pamphlet intituled "The defence of D. R. Caldwell &c.

2.—That when the Shum Abing referred to in these letters was brought into the Criminal Gaol, Hongkong, on or about the 21st of January, 1860, I was a Turnkey in the said gaol, and so remained till after Mr. Tarrant left the gaol on the 21st of March following.

3.—On the 21st of February, 1860, I was the Turnkey in charge of the said Shum Ahing on his trial at the Supreme Court, and remember the man and his case perfectly. To the best of my remembrance he was tried on the said 21st of February.

4.—During the period from 21st January and 21st February in question, while Shum Ahing was on remand, it was not possible for any prisoner in the gaol to be intimate with a prisoner on remand, or to speak with one excepting in the presence of a Turnkey.

5.—That after Shum Ahing's conviction, it was equally impossible for a misdemeanant, debarred from entering the Criminal Gaol as Mr. Tarrant was, to be on intimate terms with either of the Chinese Convicts without its being noticed and remarked on by the Turnkeys.

6.—That I never saw the slightest attempt at familiarity between Mr. Tarrant and Shum Ahing or any other of the prisoners, nor do I think any particular intimacy could have been without its being noted and made the subject of conversation among the Turnkeys.

7.—That the reading of Mr. Scott's assertion that he had more than once separated Mr. Tarrant and Shum Ahing has taken me by surprise, for I never heard of such a thing before; and I verily believe it to be a pure invention, without the probability of truth;—it is absurd to a degree.

Signed JAMES RITCHIE.

Witness to this signature

Signed F. M. Wheeler,

14th January, 1862.

I have perused the foregoing, and am willing, at any time, to make a similar affidavit.

Signed, WILLIAM R. WHITEMAN.

Witness to Signature

*Warden (during the period indicated) in
Victoria Gaol.*

Signed W. Gant,

Proprietor, Canton, Hotel,

17th January, 1862.

I have read the foregoing, and can confidently state that I do not believe Mr. Tarrant could have been on such intimate terms with Shum Ahing as Mr. Scott describes without my seeing it; and I never saw or heard of anything of the kind before:—had such a thing happened I

must have been cognizant of it, being head Turnkey during the period mentioned.

Signed JOHN ROSS,

Witnesses to Signature

G. Shephard,--Tide Surveyor, Customs, Canton,

H. S. Sproles. H. B. M. Consular Constable.

Canton, 27th January, 1862.

On the fifth day of February in the year of our Lord One Thousand Eight hundred and sixty two, personally came and appeared before me William Henry Fittock, Esquire, Her Britannic Majesty's Vice-Consul at Canton, James Ritchie, a Tide Waiter in the Canton Customs' Service, who did solemnly declare and state as follows--That the signature "James Ritchie" to the paper writing appended, dated the 14th January 1862, and witnessed by "F. M. Wheeler" is in my proper hand writing, and that the contents of the said appended paper are true in every respect;—and I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty King William the fourth, intituled an act to repeal an act of the present Session of Parliament intituled an act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provision for the abolition of unnecessary oaths.

Signed JAMES RITCHIE.

Thus declared in due form of law }
at the British Consulate, the day and }
year first above written.

Before me

[L.S.] Signed W. H. FITTOCK.

H. B. M. Vice-Consul.

On the sixth day of February in the year of our Lord One Thousand Eight hundred and sixty two, personally came and appeared before me, William Henry Fittock, Esquire, Her Britannic Majesty's Vice-Consul at Canton, William Gant, Proprietor of the Canton Hotel, Honam, who did solemnly declare and state as follows:—

I William Gant, do solemnly and sincerely declare that the signature "W. R. Whiteman" to the paper appended, was done in my presence on

the 17th January, 1862, mentioned; and the signature "W. Gant" as witness to the signature of the said W. R. Whiteman, is in my proper hand writing. And I make this solemn declaration conscientiously believing the same to be true, and by virtue of &c.

Signed W. GANT.

On the fifth day of February in the year of our Lord One Thousand Eight hundred and Sixty two, personally came and appeared before me, William Henry Fittock, Esquire, Her Britannic Majesty's Vice-Consul at Canton, John Ross of the Canton Customs' Service, who did solemnly and sincerely declare and state as follows:—

I John Ross do solemnly and sincerely declare that the signature "John Ross" to the paper writing appended, dated the 17th January, 1862, and witnessed by G. Shephard and H. S. Sproles, is in my proper hand writing, and that the statement made by me in the said appended paper is true in every respect—and I make this solemn declaration. &c, &c.

Signed J. ROSS.

CANTON 15th March, 1862.

W. H. Alexander Esq.

Officiating Colonial Secretary

Hongkong.

SIR,—His Excellency the Governor having been so good as to say that he would give consideration to any statement which I might submit regarding the case of Shum Ahing, at present confined in the Victoria gaol under the sentence of four years' penal servitude passed on him at the Criminal Sessions of the Supreme Court on the 21st February 1860, in a conviction of kidnapping and selling forty five men into slavery, I have the honour to request that you will lay before His Excellency in Council the following facts.—

The indictment against Shum Ahing ran to the effect that, in December 1859, he had cajoled some forty five Chinese, who had been boarding at his hong, to enter a boat on the assertion that they would be taken to Kupchee, their native place on the East Coast.

That instead of proceeding to Kupchee, the boat, with Shum Ahing and the men on board, went to Macao, where the forty five were again cajoled into landing at night to take up their quarters in a hong called

the *Sun-fook-tie*, otherwise the *Pak-ma* hong in Hospital street (the house in former days known as the *Canton Register Office*.)

That being in this hong, the forty five were dealt with as slaves, and frightened into assenting to execute labour contracts to go Havana. One of the forty five escaping, returned to Hongkong, and informed the Registrar General; and that officer, *after a delay of a week*, laid the story before His Excellency the Governor, by whom he was authorized to proceed to Macao and obtain the release of the men alleged to have been kidnapped.

The Registrar General accordingly, accompanied by Ahsoong, the escaped—or supposed to have escaped—Coolie, landed in Macao on the 21st of January 1860; and as by the advertizement in the *Daily Press* of that date appended * no steamer left Hongkong for Macao before noon, the hour at which they so landed must have been late in the day a circumstance of moment as will be shown anon.

Ahsoong has stated in evidence—that *after* landing he saw the thirty two whom—when he escaped—he left at the *Sun-fook-tie* hong, in a boat.—

The 22nd of January being Sunday, nothing was done by Mr. Caldwell towards finding the men so seen in a boat, and when he went with the Procurador and other Macao officers to the *Sun-fook-tie* hong on Monday the 23rd, finding that some thirty Coolies had been sent to the French ship *Emilie Pireire* two days previous, it was assumed that these were the thirty two for whom he sought—Mr. Caldwell, indeed, *has sworn* that the names and description of the men who had so left the hong answered to the names and descriptions given to him by Ahsoong as being a portion of the forty five, and to this swearing I shall refer presently.—

They then went to the St Antonio barracoon, and finding there four of the forty five, arrangements were made for their release, and eventually they were released.

After that another man was brought by Ahsoong, *as being one of the forty five*, and he, too, was released.

Mr. Caldwell then returned to Hongkong, and, with Ahsoong, and another man calling himself *Kwon-sun-quan*, gave such evidence to the Police Magistrate as warranted His Worship in committing Shum Ahing for trial. And the circumstance must be noted at the outset, that neither at this preliminary investigation, nor at the Supreme Court did either of the five that were released at Macao give evidence;—neither of the names of the released men being *Kwon-sun-kwan*;—while all the released men signed their names to Contracts, and *Kwon-sun-kwan* could not write.

Upon evidence of which the above is the general tenor, Shum Ahing was convicted and sentenced as stated.—

* Advertisement of *Feima* at Noon—*Shamrock* at One P. M.

In his defence at the courts, and in a statement which he sent to me during the time I was in the Criminal gaol expiating my sentence for the libel found at the Sessions of September 1859, Shum Ahing denied that he deceived the men,—denied that he sold them,—denied every thing criminatory but the receiving some Two hundred and two or three dollars in liquidation of a debt to him for board of 120 of whom the 45 that went to Macao formed a section—He admitted that he went to Macao with the men;—asserted that, on landing, the forty five went to the hong of a respectable East coast firm called *Maun-shing*;—that thence ten went to the *Sun-fook-tie* hong on agreement to go to Havana, and that of the money which they obtained in advance of wages, he received what was due to him, *viz* \$202½. What amount was actually given in advance he did not know; for *Eng-Atuk*, one of the forty five, acted as broker, and received all over what he got.

Well, if this defence had been substantiated at the trial, the indictment would have fallen to the ground; for in so receiving, out of an advance of wages, money *bona fide* due to him, he committed no crime;—he did, in short, what any other person in business would do, and no more.

Instead of employing a lawyer to defend him,—and there is this excuse that he had no money for a retainer,—Shum Ahing sent a letter to Mr. Caldwell from the gaol, in which he said that, knowing he wanted for Mah-chow Wong's wife the house which had been built for carrying on the business of the Kwong-yee-loong, he would give it up, and would also give him Four hundred dollars if he would cause the charge against him to be dropped.

But it is necessary that I should tell you how I have arrived at a knowledge of this circumstance. It was in this wise. When His Excellency said he was willing to receive from me any statement tending to show that Shum Ahing was innocent of the crime of which he was convicted, I referred to my diary of the period when Shum Ahing was in gaol on remand, and I found that I had noted that a man, described as Mr. Grandpre's servant, had taken a message or letter from a prisoner to Caldwell, in which the prisoner in question, had asked Caldwell to help this Shum Ahing; and knowing that this prisoner had been released, and was in Canton, I sent for him, and asked him to tell me what he remembered of the matter. The Rev. D. Vrooman happened to call just as he arrived, and in order to do away with any appearance of collusion between us, I asked him to put the necessary questions: and finally to request the deponent to put in writing all he had to say. The result was a paper of which the following is Mr. Vrooman's translation.

“ Shum Ahing being in prison, and not yet sentenced by Tai-kot, (the
 “ Supreme Court) wrote a letter and employed Mr. Ka-la-ma's (Grandpre's)
 “ boy to carry it to Sam-qui (Caldwell.) The import of the letter was to
 “ this effect; that a shop of Kam-ue-lung was built jointly by Shum Ahing,
 “ (the writer) and Kam-ue-lung. Formerly Sam-qui said that this shop should
 “ be given up to Wong Akee's wife that she might receive the rental, and
 “ if this were not done evil would come out of a refusal. I, Shum Ahing,
 “ have considered whether holding this house and being in prison were
 “ better than to give it up and be free, and conclude to give it up as my
 “ best way. Therefore I write this letter to request (beg) Sam-qui not to
 “ employ that “Pig seller” to bear false witness against me in Court, in
 “ order to my condemnation, and I will make over the shop to Wong Akee's
 “ wife, and also from money on my person pay Sam-qui \$400. I myself
 “ have written this letter and await an answer.

(Signed) SHUM AHING.

“ After several days Sam-qui replied - That he had received the letter
 “ and understood the whole matter. Formerly, said he, I ordered you to give
 “ up that shop and you would not obey, hence your trouble. Now, I have
 “ forced this head man to testify against you before the Court (Tai-kot) who
 “ will sentence you to hard labor in prison for life. Now you say in your
 “ letter that if you can get out of prison you are willing to give up this
 “ shop, and also make a present of \$400 to me, and this you propose
 “ to do after you get out of prison. Now since this witness resides with me
 “ he requires large sums for expenses, and \$400 is not enough. But if you
 “ will send your younger brother, who is not in prison, with \$600 to
 “ me, I will not require this man to bear testimony against you, but when
 “ you come to trial I will require him to reverse his former testimony, and
 “ you will of course be set free.

“ You should complete the matter speedily and not delay. You know my
 “ name, I need not write it.

“ Shum Ahing received this letter, and because he could not raise all the
 “ money demanded, Sam-qui contrived the false testimony, in conjunction
 “ with the head (Pig man *) to secure his being imprisoned for four years.

I beg of you, Sir, to understand that I only put in this paper, and I
 give you the original also, (which contains something more) as an ex-
 planation of the way in which I got my knowledge. That Shum Ahing

* The epithet applied to Coolie brokers.

did write to Mr. Caldwell I do not doubt; but whether his letter reached the party to whom it was addressed, and whether that party answered, as stated, are things of which I have no proof. At all events, there can be little doubt but Shum Ahing thought Mr. Caldwell got his letter; and that he believed the charge would drop if the money demanded were paid; and this, on the expectancy that his friends would raise the money for him, accounts for his not having employed a lawyer to defend him.

But it was his conviction and removal from his path that Caldwell wanted not his money.

Well, Shum Ahing had no money;—and does not his very poverty form strong presumptive evidence of his innocence of the crime laid to him?—Why, if he had sold 45 men into slavery, at the low price of say \$27½ each, he would have had at command nearly double six hundred dollars to purchase his release!

To proceed. To furnish His Excellency the Governor with such proof of Shum Ahing's innocence as may be sufficient to satisfy the justice of the Crown in giving him his release, I had to ascertain:—

1.—Whether Asoong, the informer, were or were not an impostor as was alleged.

2.—Whether it were true that the thirty two men that left the Sun-fook-tye hong for the *Emilie Pireire* were really part of the forty five taken to Macao.

3.—Whether the five men released were really five of the forty five.

4. Whether Kwon-sun-kwan, who gave evidence at the Courts, was also an Impostor (and Shum Ahing in his statement to me said he knew nothing at all of him; he believed that he was a man paid by Caldwell and Mah-chow Wong's wife's brother to give false evidence.)

5.—Whether Caldwell were aware of the impostorship of the men put forward as witnesses.

And 6—Caldwell's knowledge of the Impostorship being assumed,—what was his motive?

The result of my investigation was as follows:—

As to point 1—Whether Asoong the informer were or were not an Impostor—I found, on the general evidence of Mr. Marquis and other officers of the Macao Government, per letter to Mr. Marquis and his reply marked *A* and *B* appended, * that ASOONG WAS AN IMPOSTOR, and this Impostorship is further proved by the evidence of Delfino Xavier (enclosure marked *F* †) and that of Cheang Achun (marked *G*. ‡)

* see page 10 ante.—

† see pages 12 and 21 ante.—

‡ see pages 12 and 22 ante.—

As to point 2—Whether the thirty two men that left the Sun fook-tie hong for the *Emilie Pireire* were part of the forty five taken from Hongkong—I found, by the general evidence of Mr. Marquis (A & B) * that no proof was obtained of their answering to any particular names and description. By the evidence of Mr. Boyé (enclosure marked C) † the thirty two that went from the Sun fook-tie hong to the *Emilie Pireire* could not have been of the forty five taken from Hongkong. Furthermore Asoong declared that he saw the thirty two whom Mr. Caldwell sought in a boat after landing on the 21st, these men could not have gone in the *Emilie Pireire*, because the Captain of the Port certifies (enclosure marked D) ‡ that he cleared the *Emilie Pireire* with 460 Coolies on board. This clearance must have been before three P.M. of the 21st of January, as the Steamer, with Asoong and Mr. Caldwell on board, reached Macao late in the day. I rely very strongly on this part of the evidence on Shum Aning's behalf, and trust His Excellency will give attentive consideration to it.

As to point 3—Whether the five men released were really five of the forty five said to have been kidnapped—I respectfully submit that, from the circumstance of neither of them having been examined at the Courts here, there has been no proof one way or the other. And as respects the man Chong Afa, one of the five, the copy of whose contract I append, with copies of the others (enclosure marked E) § it is clear from the date, 6th December, that he could not have been one of the forty five; for they, with their comrades, only left Kupchee for Hongkong (where they were sent adrift) on that identical day.

As to point 4—Whether Kwon-sun-kwan were also an Impostor—I conclude this to be proved by the certified contracts of the men actually released at Macao. His name does not appear in either of them.

As to point 5—Whether Caldwell were aware of the impostorship of the men put forward as witnesses—I can but conclude, after what Mr. Marquis says in the letter before referred to (A and B) and what Delfino Xavier depones as to Caldwell speaking to the Impostor in a low voice, and telling him he must assert that he was a Coolie that had escaped, and not a broker, (see enclosure marked F) || and also relying on what Cheang Achun depones that he heard the Informer admit in Mr. Caldwell's presence that he was a broker, not a Coolie ** that had escaped

* see page 10 ante.—

† see page 15 ante.—

‡ see page 18 ante.—

§ see page 19 ante.—

|| see pages 12 and 21 ante.—

* * see pages 12 and 22 ante.—

—I can come to no other conclusion, I repeat, than that *Caldwell was well aware of the impostorship, and in fact prompted it.*

Besides,—the conduct of Caldwell toward myself, in publishing an assertion by the Governor of the gaol, Scott, that I had been on terms of great intimacy with Shum Ahing in the gaol; * and in another part of the pamphlet which he has issued, intitled his defence, charging me with having *induced* † Shum Ahing to write the statement which eventually led to his examination by the Executive Council;—this conduct alone—so reckless—so foundationless—is sufficient to inspire me with the most certain assurance of the gravity and basis of his conspiracy.

And while speaking on this subject I would draw His Excellency's attention to the declarations of Ritchie and others (Enclosure marked I ‡).

In solemn truth, I do not think I have seen Shum Ahing, to notice him distinctly from others, half a dozen times in my life (excepting from such half a dozen times a period when he was locked up in a cell on the misdemeanants' side of the prison by order of the surgeon, when, during part of one day, I could not help seeing him several times as I passed, and I spoke to him through the grating of the door).

I can name the times when I so saw him—First, while he was on remand, when he sent to ask me to speak to him in the presence of a Turnkey during the few minutes that the remanded prisoners were led out to wash themselves at the yard pump. This was on the 23d of January, 1860. The circumstance is noted in my diary, of a remanded

* This is the precious concoction of the confederates.—

D. R. CALDWELL to J. SCOTT.

VICTORIA, 23rd March, 1861.

DEAR SIR,—With reference to our conversation to-day on the subject of Mr. Tarrant's intimacy with Shum Ahing in Gaol during the time the former was a Prisoner on the Criminal side of the Gaol; and Mr. Murrow's 2nd visit to the Gaol, I have put down here the substance of what you said, as far as my recollection serves me.

You said that during the time Mr. Tarrant was in the Criminal Gaol, you had on several occasions observed his great intimacy with Shum Ahing, and the frequent close conversations he had with him,—that you had observed, on more than one occasion, Mr. Tarrant conversing with Shum Ahing in the most friendly way, with his arm around Shum Ahing's neck; that as Mr. Tarrant had complained to the authorities of being placed with Criminals, you thought it was strange that Mr. Tarrant should be on such friendly terms with one of these criminals, and that you had more than once separated them.

Signed D. R. CALDWELL.

J. SCOTT to D. R. CALDWELL.

25th March, 1861.

DEAR SIR,—Your statement of the substance of our conversation on the 23rd instant, is correct, and I am ready to verify the same.

Signed J. SCOTT.

† See page 114 of the *Minutes*, and page 58 of "*the—fence.*"—

‡ See page 24 *ante.*—

prisoner, whose name was Sum Ahing, wanting to see me, to do something for him.

I did not see him again, to the best of my remembrance, till after he was convicted on the 21st of February. I had no sympathy for him nor for any of the Mah-chow Wong people, and did not seek to see him. The mornings were cold about that time, and I seldom quitted my cell till after the convicts had left the gaol to work on the roads, so that when I next saw him, the second time in my life, was after his return on the first day of his going out, on the 23d of February. On that day I wrote in my diary thus "Shum Ahing the Mah-chow Wong partner, was convicted of slave dealing and kidnapping, and has four years penal servitude i.e. subject to transportation. He cries a good deal at having to go out in the Chain gang, and says two weeks of it will kill him. Asow (the barber) declares him a victim of the gang."

The third time of my speaking to him was again during the short interval that elapsed between the return of the Chain gang and the general lock up. I conclude this by finding my entry on the 25th, of what he had told me of the rights of his case.

Dr. Murray's record of the sick will show, I think, that the man broke down within a week of being in gaol, and that he sent him to the hospital—a place I could not enter.

The next I saw of him was through the gratings of the door of the solitary cell before spoken of, on the 12th of March. He had complained of diarrhoea in the hospital, and the object of his being sent to the solitary cell, (a very common occurrence) was to test the evidences, if any, of the disease. The report being that he had no such sickness, he was ordered to be flogged for shamming—and thrice, within nine days from that date, he was lashed up to the triangles in the yard and his flesh torn from him.

On the 21st of March, I left the Criminal Gaol, so that for this warm intimacy of mine with Shum Ahing to have taken place, it must have been within the eight or nine days in question, and when the poor creature's back will have been like a piece of raw beef. I believe during that period, when he was breaking stones in the yard, being too much cut up to go out to work, I spoke to him at the same time that I spoke to his brother, who had been sentenced to ten days imprisonment for giving him opium in the road, and for which he, Shum Ahing, was flogged again, and I told him to send this brother to me when I was out of the gaol, and I would do what I could in investigating his case. After I left the Criminal Gaol the brother called on me twice, and then he was warned by the gang that if he visited me again he would get into trouble. I have never seen him, nor any member of Shum Ahing's family since—they were spirited out of the Colony.

Almost all the information I got of Shum Ahing's case in the Criminal

Gaol was from the prisoner who shaved me, and who asserted from the first that he, Shum Ahing, was the victim of a conspiracy of the Mah-chow Wong gang—and that he was not the first of the kind in that prison.

As to being found with my arm around Shum Ahing's neck — *Gaol Governor Scott's assertion—and that he had separated us several times*—I should feel insulted if any one asked me if there were an approach to truth in it. A more clumsy, ridiculous falsehood I cannot conceive; and my first impression was that it was only thrown into the concoction intended for a defence, for the purpose of aiding my enemies in the Government Service, in adding another pang to the many I have been made to endure for doing what I conscientiously meant for the public good.

Subsequent circumstances lead me to feel certain that these men, Scott and Caldwell—if such rascals may be called men—had a graver object; and what that object was—point 6 of my abstract of disproofs—is so clear to my comprehension that I have deemed it right to ask the Attorney General to institute criminal proceedings against the parties on a charge of conspiracy.

A copy of my letter to the Attorney General, Enclosure K, * I beg to append, with that officer's reply, Enclosure L, † regarding which I have to say that so long as the Hongkong Government have an officer styled Protector of the Chinese—and a part of his business is the going to Macao to release, at the public expense, men *supposed* to have been kidnapped—I hold it to be no part of a private individual's duty to enter the lists as public prosecutor.

In search of the information which I now lay before His Excellency, I have already, in voyaging twice to Macao, and the like to Hongkong, expended a good deal of time, and certainly in money not less than a hundred dollars—Should I, however, be successful in obtaining the release of a man whom I verily believe to be innocent of the charge for which he is undergoing penal servitude, with the occasional inhuman torture of Victoria Gaol,—and who would undoubtedly have remained in his living tomb, without the possibility of his claim to justice being known but for my providential presence there at the same time,—my reward will be ample in an approving conscience.

Shum Ahing, I need not tell His Excellency, is a man well in years, and in his statement to me he speaks of having dependent on him a family of young children, besides an aged father and mother, to whom his restoration, after upwards of two years separation—upwards of two years of undeserved penal servitude,—would be a great boon.

I have &c.,

W. TARRANT.

* See page 1 ante.—

† See page 9 ante.—

[This is the correspondence referred to in the letter to Mr. Smale, at page 4 *supra*—last paragraph.]

KWANG-LEE-HONG, -CANTON. 21st February 1862.

My dear Sir,

Am I correct in concluding that I understood you to say that Sam-qui, who managed the Sun-fook-tie-hong, was in the habit of receiving in it men who afterwards went to the Straits? That he Sam-qui did much business as a broker for the Straits labour market, and that he is now, as you understand, on his way to Singapore with men for labour in that quarter; and further that you were induced to give more heed, and were led to know what you do of the men that went in the *Emilie Pireire*, and of those that you saw in the hong at Hongkong, by reason of Sam-qui having received large advances from you still due and owing.

I also think you led me to understand that it was not unusual to keep contract Coolies in the hong until the ship was ready for receiving;—your knowledge ceasing with the signature to Contract and acknowledgment of being on board

Your reply will oblige.—Your's faithfully

W. TARRANT.

L. BOYÉ. Esq, at the French Consulate, Canton,

WM. TARRANT ESQ.

I received too late your letter yesterday to answer it the same day. Now I beg to tell that I heard that Samquay had been, and was also when in charge of the Sun-fook-tie-hong engaged in affairs with the market of Singapore—That Chinaman served a long period of time in that quarter and talks very well the malaisian language.

It is quite correct that Samquay owes me some \$6000 and that I always suspected him when he was in my service and was obliged to pay more attention to his management of the Hong than I did for others under my service.

At the time Samquay was in charge of the Sun-fook-tie-hong, it was not allowed by the emigration regulations of Macao to admit in the establishment uncontracted emigrants. As soon as an emigrant was presented the man who led him was obliged to proceed to the *procuratura* where he was examined, and if accepted and the contract being signed, then he could be accepted into the establishment, where he had to wait until our whole number of coolies required was completed. This number made, then the emigrants were sent on board altogether, when they were again examined by the Harbour Master before sailing of the vessel.

Faithfully Yours,

L. BOYÉ.

Canton, 21st February, 1862.

APPENDIX.

[1]

[No. 1.]

GOVERNMENT NOTIFICATION.

In compliance with instructions received from His Grace The Duke of Newcastle, Her Majesty's Secretary of State for the Colonial Department, directing that "an inquiry should be instituted into the "abuses which have been alleged to exist in the Civil Service of Hongkong generally, and, especially, "into the alleged tampering of some of the subordinate departments in that service with the malversation, "corruption, and piratical practices, of part of the Chinese Community in or frequenting the Colony," His Excellency the Governor has determined that such inquiry shall take place before the Governor in Executive Council who will sit for that purpose in the Council Chamber on the 13th day of August next, at Noon, and on such subsequent days as may then be determined on.

All persons capable of giving information in furtherance of the proposed investigation are desired to attend the Sitzings of the Council, which will be held with open doors.

By His Excellency's Command,

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

Council Chamber, Victoria, Hongkong, 28th July, 1860.

憲示

近藩間務本端人切督月自是在日所定知請詳千七
接院所官而港通黨要憲十會議非到期有到其悉八
奉札傳其中或同盜是三大院再或期官事堂切二
諭說素往作等以人號究後行院民來稟勿十六
大委香屬來強弊本定正行間來察門人歷白隱十
英飭之與之尤於港午此例另大宛等者俾縮年日
理勘政在唐受爲八親官事立未開凡皆得示

[No. 2.]

349 QUEEN'S ROAD, September the 9th, 1859.

SIR,—It is reported that Your Excellency proposes to enquire into the various unhappy matters which formerly agitated this Colony and to report thereon to the Home Government.

My name has been so prominently mixed up with many of these, and has of late been so unjustifiably attacked in England that I am most anxious Your Excellency should include me within the scope of your enquiry and probe the whole of my conduct to the bottom.

I therefore most respectfully tender myself to Your Excellency for examination and censure if my acts have deserved it, venturing at the same time to proffer one request, namely, that until any assertion, which may have been made concerning me, is established by undoubted proof Your Excellency will do me the justice to discharge your mind of it.

I have, &c.,

(Signed) WILLIAM T. BRIDGES.

His Excellency SIR HERCULES ROBINSON, Knight,
Governor.

[No. 3.]

VICTORIA, HONGKONG, 10th August, 1860.

SIR,—His Excellency The Governor having decided that the enquiry which has been directed by His Grace The Secretary of State for the Colonies into the alleged abuses of the local civil service, shall take place before the Executive Council of the Colony on the 13th Instant, and it having been the practice for some time past of the Editors of Newspapers published in Hongkong as well as certain officers in the public service of the Colony, to make charges against me involving gross misconduct in, or malversation of, office; I have the honor respectfully to request that His Excellency will be pleased to call upon these persons to come forward and make a formal statement before the Council of any complaint they may have against me, and to support the same by such evidence as they may have it in their power to produce, my earnest desire being that the fullest and most searching investigation may be made into every matter which may have been made the subject of either private complaint or public animadversion on my public conduct as an officer of Government.

[2]

The names of the present Editors of the local Newspapers are—

The Revd. Mr. BEECHER, American Missionary,
Editor of the "Hongkong Register."

Mr. A. WILSON,
Editor of the "China Mail."

Mr. Y. J. MURROW,
Editor of the "Daily Press," and

Mr. W. TARRANT,
Editor of the late "Friend of China."

I have, &c.,

(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

[No. 4.]

No. 665.

COLONIAL SECRETARY'S OFFICE, VICTORIA,
HONGKONG, 15th September, 1859.

SIR,—I am directed to acknowledge your letter of 9th Instant, and to convey to you His Excellency's thanks for your communication.

I am also to inform you that if the propriety of your conduct should appear to His Excellency to be in any way impugned, you shall have ample opportunity for explanation before His Excellency arrives at any conclusion on the subject.

I have, &c.,

(Signed) W. T. MERCER,
Colonial Secretary.

W. T. BRIDGES, Esq., D.C.L.

[No. 5.]

No. 2.

COUNCIL ROOM, VICTORIA,
HONGKONG, 11th August, 1860.

SIR,—In reply to your letter of yesterday, received this day, I am directed to call on you to name the Officers in the public service to whom you refer.

As to the Editors of Newspapers, the point will be laid by His Excellency the Governor before the Executive Council.

I have, &c.,

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

D. R. CALDWELL, Esq.

[No. 6.]

VICTORIA, HONGKONG, 13th August, 1860.

SIR,—I have had the honor to receive your letter of the 11th instant, calling upon me to give the names of the officers in the Public Service referred to in my letter of the 10th Instant.

In reply I beg to state that the Public Officers I referred to in my letter are Mr. Charles May, the present Acting Assistant Magistrate, and Mr. H. Tudor Davies, the late Chief Magistrate of this Colony.

I have, &c.,

(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

[No. 7.]

HONGKONG, 11th August, 1860.

SIR,—Bearing reference to the Blue Book ordered by the House of Commons to be printed, bearing date the 21st March last, at page 299, appears a despatch from Sir H. Robinson to the Duke of Newcastle

[3]

reporting my trial and conviction in September last, for libel, in which it is said that I had every facility afforded me to prove my case from the Archives of Government.

I have now the honor to request that you will obtain the permission of His Excellency to permit me the facility of referring to the correspondence mentioned in the *Subpoena duces tecum* served on you. As you are aware, when Colonel Caine refused to answer my questions I declined further attempt at defence, and did not call for said correspondence only such portions of the same being read as it was deemed advisable by the prosecution should be read.

I have, &c.,

(Signed) W. TARRANT.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

Please address to care of Mr. G. Holmes, Ship Broker.

[No. 8.]

No. 1.

COUNCIL ROOM, VICTORIA,
HONGKONG, 11th August, 1860.

SIR,—I am directed to acknowledge receipt of your letter of this date, and to inform you that to comply with your request would be to re-open for fruitless discussion a case already judicially decided, and one in which, as you admit, every assistance was afforded you from the Archives of this Government.

His Excellency the Governor declines therefore to entertain your application.

As your letter is addressed to myself as Clerk of Councils it is presumed that your object has reference to the Investigation announced for Monday; if so, I am to state that all the papers to which you refer are already in the possession of the Executive Council.

I have, &c.,

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

Mr. W. TARRANT.

[No. 9.]

No. 3.

COUNCIL ROOM, VICTORIA,
HONGKONG, 13th August, 1860.

SIR,—I am directed by His Excellency the Governor to inform you that at this day's Meeting of the Executive Council your letter of 9th September last to His Excellency's address was read, and that Mr. Murrow who came forward as a witness declared himself about to prefer charges against you.

In the Duke of Newcastle's Despatch ordering the present investigation, your name is excluded from the actual scope of the enquiry, but His Grace remarks that the transactions which took place in your Department during your temporary tenure of office may come incidentally under review.

Under these circumstances His Excellency thinks it right that you should be made acquainted with the above facts, in order that, if you see fit, you should have an opportunity of attending the future sittings of the Council.

I have, &c.,

(Signed) L. D'ALMADA E CASTRO,
Clerk of Councils.

Dr. BRIDGES. .

[No. 10.]

HONGKONG, August 14th, 1860.

SIR,—I have the honor to acknowledge the receipt of your letter No. 3 in which by the direction of His Excellency the Governor you inform me that at yesterday's meeting of the Executive Council Mr.

Murrow who came forward as a witness declared himself about to bring charges against me, and that His Excellency thinks it right I should have an opportunity of attending the future sittings of the Council.

I beg leave to convey through you my very respectful thanks to His Excellency for his kindness in causing such intimation to be made to me; it is the first time I had heard anything on the subject Mr. Murrow having abstained from putting me in possession of the knowledge of his proposed attack.

I am not aware of anything in Mr. Murrow's present position in this community which entitles him to become the accuser of myself or any one else, and when I remember that in a period barely exceeding three years he has been five times convicted of or publicly retracted or apologised for false and malicious libels on different individuals I do not deem it incumbent on me to notice accusations emanating from such a source.

But inasmuch as I do value most highly the good opinions of H. E. the Governor and of the Members of the Executive Council should anything occur in the course of the pending investigation which appears to any of them to render me blameworthy or to demand explanation as to my own conduct, I earnestly beg that His Excellency will be pleased to desire my attendance before the Council, and I undertake on the slightest intimation of such desire to present myself and submit to the fullest investigation which may be deemed requisite.

To prevent any possibility of mistake hereafter I would add that, while gladly admitting the authority of His Excellency the Governor in Executive Council to enquire into my conduct, I deny the right of any private individual not belonging to or deputed by the Council to ask me or any one else a single question.

I have, &c.,

(Signed) W. T. BRIDGES.

The CLERK OF COUNCILS.

[No. 11.]

Charges made by the undersigned against the late administration of Hongkong, in having misrepresented, distorted, and suppressed facts from the Home Government with the view of shielding Mr. Caldwell from the accusations brought against him—as from the Correspondence which has been published by the Order of the House of Commons, March 1860.

First.—That whereas Sir John Bowring in a letter dated 4th June, 1858, addressed to Lord Stanley, represented Dr. Bridges as being a fit and proper person to be Acting Colonial Secretary, although Sir John had spoken very disparagingly of Dr. Bridges to Mr. Anstey, the late Attorney General, (vide his evidence, Caldwell Enquiry page 66), which statement Sir John corroborates in his despatch to Sir E. Lytton of 9th August, par. 63. I submit it to be clear from this that Sir John chose Dr. Bridges as a foil to Mr. Anstey, and that he is responsible for their animosity from first to last. If the character which Sir John gave of Dr. Bridges be correct, I submit the fact of the latter being made Mr. Anstey's superior officer goes far to palliate the violence of the latter. It will be seen that Sir John was induced to employ Dr. Bridges at the strong recommendation of Mr. Mercer, and as the intimacy between Dr. Bridges and Mr. Mercer has notoriously continued to this day, I submit the latter gentleman should not sit on this inquiry.—Again in Sir John's letter to Lord Stanley of 4th June, 1858, he enclosed a letter from Dr. Bridges to His Lordship stating that he (Dr. Bridges) was a man who "never cared much for money," which is a notorious untruth of which Sir John was well aware.

Second.—In Sir John Bowring's letter to Sir E. Lytton of 9th August, 1858, he makes use of the following expression [par. 50] "A few days afterwards further light, being unexpectedly thrown upon "Mah-chow Wong's connexion with pirates from an entirely different source, the Executive Council "resolved not to interfere with the sentence passed upon him." This refers to the paper found on Beaver which is designedly suppressed for two very plain reasons. *First.*—As Mr. May, in his evidence before the Caldwell Commission, stated that among the papers seized in Mah-chow Wong's shop, were some receipts for wages paid this very pirate Beaver in Mr. Caldwell's hand writing (a fact admitted by Mr. Caldwell himself) the production of the paper alluded to would have exhibited to H. M. Government Mr. Caldwell's connexion with a second professed pirate. *And Secondly,*—The paper found on Beaver would have exposed the principles on which Mah-chow Wong acted in giving Mr. Caldwell such information as led to the employment of British men-of-war.

Third.—In the same letter of 9th August, 1858, to Sir E. Lytton, Sir John Bowring states, [par. 88] that Dr. Bridges had not benefitted by Mr. Anstey's dismissal inasmuch as Mr. Day had been appointed to the vacancy—the truth being that Dr. Bridges had benefitted thereby, having been appointed legal adviser to the Superintendency.

Fourth.—In the same letter to Sir E. Lytton, [par. 66] Sir John Bowring affirms that the Caldwell Commission had acquitted Mr. Caldwell, of all the charges brought against him except one act not amounting to more than indiscretion—which is an unfair and an untrue deduction on the face of it—particularly when Sir John Bowring must have known that the Chairman of that Commission subsequently stated on oath that had he, when he gave the casting vote, known what he then knew, such casting vote would have been for the severe finding—and even more particularly still after Sir John certainly knew that five Justices had declared Mr. Caldwell unfit to sit upon the bench.

Fifth.—In paragraph 71 of the same letter, Sir John Bowring avers that he gave the Caldwell Commission a *carte blanche* to publish what they liked without limit, and that Mr. Anstey does not even pretend to blame the Government for the omission of the appendices.—The truth being that Mr. Anstey did very much blame the Government for such omission, and it was the Government which prevented the said appendices from being published, albeit the Commission being anxious for the publication.

Sixth.—In the same letter, par. 49, Sir John Bowring, palpably to traduce the character of a man who was inimical to Mah-chow Wong and Mr. Caldwell, stigmatizes Tong-Akui as being a man of more than suspected character.—Whereas the truth is that Tong-Akui was and is a man of remarkably good character, as can be discovered on the testimony of those officers under whom he has served, say, Messrs. Hillier, Lay, Davies, Mitchell, May, and Collins.

Seventh.—In the enclosure No. 3, to the above named letter, page 63, it is stated that the Chief Justice reported that he would have been better pleased had the verdict against Mah-chow Wong been the other way—the truth being that the Chief Justice had refused to recommend that the verdict should be disturbed, had passed a very severe sentence, and had stated from the bench that all he had ever said was that the evidence might have been stronger.

Eighth.—That in enclosure No. 4, to the same letter, page 64, it is stated that Mah-chow Wong's papers were seized after Mr. May had written his letter of 20th July, 1857, whereas they were seized before then, and were actually referred to in that letter as having been examined and found to implicate Mr. Caldwell.

Ninth.—In transmitting the copy of Mr. May's letter of 20th July, 1857, the marginal notes which Dr. Bridges made for the purpose of misleading the Governor, are omitted.

Tenth.—In Sir John Bowring's letter to Lord Stanley of 9th August, 1858, in para. 7 and 9, Mr. Anstey's quarrelsome propensities are dilated upon. He is stated to have quarrelled with Mr. Bevan, the Judge's Clerk whose character is upheld. In an enclosure to be found at page 8, to Sir John's letter to Lord Stanley of 4th June, 1858, this same Mr. Bevan's name is used for quite another purpose, namely, as the ostensible editor of a newspaper always in scurrilous opposition to Government, and as being a discharged servant of such Government. The latter letter it will be observed is dated two months previously to the former. The *Hongkong Register*, the paper referred to, is the only one in this Colony that has escaped a prosecution for libel.

Eleventh.—The false malicious defamatory manner Mr. May is persistently maligned throughout the whole of the Correspondence. The object of this is clearly to throw discredit on Mr. May's evidence, for certainly had H. M. Government been properly advised of Mr. May's real character his evidence against Mr. Caldwell would have had great weight. I am the oldest European resident in the South of China, and for the greater part of the period I have had upwards of one hundred Chinese constantly in my employ. Even now I have between thirty or forty—I say not one single foreigner here has been so intimately associated with the Chinese as I have been, and I will declare I never heard a charge whispered against Mr. May that touched his honor and integrity. I will further declare that I never knew a man in my life who so strictly adhered to the letter of the truth as Mr. May. I am not singular in my opinion. The two public officers who stand prominently forward in the service of this Colony during the late scandals, as high minded, high principled, and above all reproach, are Messrs. W. F. Green, and H. Tudor Davies. Mr. Green in a letter which appears in the Blue Book declares Mr. May's veracity to be unimpeachable, and Mr. Davies in a private letter I have from him dated 16th ultimo, thus writes:—"There is another man to whom few of you do justice. That is May. I don't believe that anything would induce May to give a Magisterial decision that he didn't think just and I can assure you that is great praise in such a place as Hongkong." I submit that Messrs Green and Davies being both barristers, and being placed in positions where they had peculiar opportunities of forming a correct judgement of Mr. May, their opinions are entitled to great respect. Besides the idea of Mr. May being jealous of Mr. Caldwell is supremely ridiculous. Certainly I have always thought that Mr. May's faults have consisted in his attachment to ease and routine, and I think my idea cannot be more forcibly illustrated than by the forbearance he displayed in charging Mr. Caldwell with complicity with Mah-chow Wong. I will divide this portion of my charge against the Government under separate heads.

1st.—With having repeatedly denied, that it had ever been hinted or insinuated that the papers found in Mah-chow Wong's shop implicated Mr. Caldwell in the most remote manner. Whereas Mr. May in a letter he addressed to Dr. Bridges as Acting Colonial Secretary on 20th July, 1857, distinctly stated that he had seized the papers and that they did contain proofs of Mr. Caldwell having a direct interest in Mah-chow Wong's business. Pages 47, 48 and 231

In the same regard it is stated repeatedly, that Mah-chow Wong's pardon being refused, the papers had no more value, and so the burning is justified, whereas many months before the burning, the production of Mr. May's memorandum of their contents had been read in the Executive Council, where their production caused a great sensation.

In page 47, para. 50, Sir John names as a charge against Mr. May that when he surrendered these Memo: to the Council, he said not one word about their implicating Mr. Caldwell. As the Council could see for themselves, this was clearly an act of forbearance on Mr. May's part.

(1a.) At page 42, Mr. May is accused of owning a nest of brothels which he very unwillingly got rid of after considerable pressure from Government. To my knowledge this is the very reverse of the fact. I was well aware of the circumstances of the case at the time, which I will relate if required.

2nd.—There are several of Mr. May's letters suppressed. Their production will test the animus which dictated their suppression. For instance at page 42, para. 22, Sir John states that he more than once reprimanded Mr. May. I can find no such reprimands, and I am sure from the malevolence indulged in that had Mr. May laid himself open to censure in the manner inferred, he would have been suspended. Again letters are referred to by Mr. May, page 246, which I cannot find. I therefore infer that he was either never reprimanded at all; or if he were, he fully met the charges.

3rd.—At page 43, para. 23, it is stated in order to prove partisanship between Mr. May and Mr. Anstey, that the latter defended the former when he was obviously wrong. If so it is strange. I never heard of it. The two were by no means on intimate terms.

4th.—At page 63, Mr. May is charged with having taken the Memo: of Mah-chow Wong's papers, for the benefit of the Press. This is totally untrue. He simply foiled Dr. Bridges in obtaining a pardon for Mah-chow Wong by telling the Editor of the *China Mail* what the tenor of the Memo: was, some months after they had been taken.

5th.—I must premise this charge by stating my conviction that no man cognisant of the two cases on which Mah-chow Wong was committed for trial, can possibly entertain any doubt about his guilt. In the case on which he was convicted, Mr. Day defended him. We find from the Blue Book that the morning after the conviction Mr. Day and Mr. Caldwell called upon the Governor and solicited a pardon. The Governor suggested that the application should be made by petition to the Executive Council. A petition was got up accordingly, to which the Chinese attached their names *in terrorem*. Then we find that this petition would have been successful, notwithstanding the production of Mr. May's Memo: but for the discovery of the Beaver paper. Then we find Mr. Day employed by the Caldwell Commission as their legal adviser. Sir John Bowring is very particular in advising Sir E. Lytton that the Commission employed Mr. Day, not the Government. [Simultaneously with the application of the Commission for Mr. Day's services, came an application from Mr. Caldwell. Mr. Caldwell did not employ another lawyer when he found Mr. Day pre-engaged.] Mr. Day attempted to control the Commission by confining them to legal evidence—they disregarded his advice and Mr. Day himself says, he would have retired *but for his duty to the Government*.

It is painfully clear that Mr. Day acted as a strong partisan of Dr. Bridges and Mr. Caldwell throughout. The Commission over, Dr. Bridges applied officially to Mr. Day for his opinion on the report of the Commission, which Mr. Day gave quite forgetful of his duty to his clients the Commission, and of course without their knowledge. This opinion was entirely in Mr. Caldwell's favor—it was the reverse of complimentary to the Commission, and was most defamatory of Mr. May. Then Mr. Anstey was suspended on charges concocted by Dr. Bridges in the Executive Council, and Mr. Day was made Acting Attorney General, Dr. Bridges being apportioned the Superintendency. Then Mr. May is called on for an explanation of his conduct, to which he duly responds. The response is submitted to Mr. Day the Acting Attorney General, (who had already grossly maligned Mr. May in the opinion upon the Report of the Caldwell Commission), and the result is a most outrageous stricture on Mr. May, which Dr. Bridges of course endorses. Then Mr. Day dying, Mr. Green is made Acting Attorney General. The Governor, apparently unwilling to commit the atrocity of suspending Mr. May, which was clearly the object of the machinations of Dr. Bridges and Mr. Day, applied to Mr. Green for his opinion on Mr. May's response. This entirely exculpated Mr. May except on one point which he had craved pardon for already.

It will be seen that when Mr. Day went to the Governor with Mr. Caldwell to solicit Mah-chow Wong's pardon, he maligned the Jury,—when he gave the gratuitous opinion on the Report of the Caldwell Committee, he maligned that body,—and when he gave his official opinion on Mr. May's response, he maligned that gentleman. In each and every case this is done so cunningly by the abuse of official secrecy, that the parties maligned are made aware of the circumstance for the first time in the Blue Book. Mr. Day persistently exculpates Mr. Caldwell—a circumstance on which his animus and bias may be tested.

(Signed) Y. J. MURROW.

[No. 12.]

HONGKONG, 14th August, 1860.

To H. E. the Governor and the Hon. Commission of Inquiry, now sitting.

During the proceedings of yesterday, a letter was presented by Daniel R. Caldwell, Esq., Protector of Chinese, &c., stating that the Editors of the various local Journals had been in the habit of bringing gross charges against himself, and desiring that they might come before the Commission, and prove the said charges. Among the names given, of those to whom reference was made, I learn that the Rev. J. C. Beecher was given prominent place, and that the additional title of "an American Missionary" was appended.

I desire, respectfully to request, that the above name be erased from the letter, for the following reasons.

1. The statement in connection with which my name is introduced is entirely untrue, so far as I am concerned. I have in my temporary and disagreeable position as Editor of a local journal, carefully abstained from making any charges whatever against the writer of the letter in question, as may be seen by reference to the files of the Journal under my charge. On the contrary, I have ever expressed an earnest desire, that the many and serious charges which for four years have stood uncontradicted, might be fairly proved, or *fairly met*, without either reiterating or expressing an opinion upon them.

2. I am not an American Missionary.

3. While I, in common with every other observant man in the Colony, have formed my own opinion with regard to the character of the writer of the letter, yet, since in no way have I made that opinion public in the columns of the paper now under my charge, I would most respectfully urge that it is highly objectionable to introduce my name, and call upon me to substantiate charges as yet unmade. And

4. Though of necessity, for a short time obliged to engage in duties foreign to my taste and profession, I have no desire that my name should be mingled with Colonial contests, in which I have no interest further than the general desire, that truth and justice should prevail. Under these circumstances I again respectfully request, that my name be erased from the letter referred to, and that it may not appear in the minutes of the Commission.

I am, &c.,

(Signed) JAS. C. BEECHER.

[No. 13.]

VICTORIA, HONGKONG, 15th August, 1860.

SIR,—I have the honor to state for the information of the Honorable the Members of the Executive Council that the following are the charges referred to in my letters of the 10th and 13th Instant as having been made against me by Mr. May, the present Acting Assistant Magistrate.

1. That I had passed a portion of my life among Chinese outlaws and pirates.
2. That I at one time owned three unlicensed Brothels.
3. That I had informed him, Mr. May, that I was a member of a secret society.
4. That I had informed him, Mr. May, that although I would not myself take bribes, I would not object to my wife doing so.

The subjects of these charges were communicated by Mr. May to Mr. Chisholm Anstey, the late Attorney General of Hongkong, and by him preferred against me to the Government along with certain other charges which formed the subject of the Commission of Inquiry held under Warrant bearing date the 20th May, 1858.

Although I feel fully convinced that the greater portion of the 19 charges which were brought before the Government by and in the name of Mr. Chisholm Anstey emanated from Mr. May, the above are the only ones which I can specifically charge him with having originated, and which he attempted to support, before the late Commission of Inquiry, by his own evidence.

I declare that these charges are utterly unfounded in fact.

I have, &c.,

(Signed) D. R. CALDWELL.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

For charge 1—See evidence Caldwell Commission page 34, from “It occurred that Mr. Caldwell” to “Whampoa or Canton,” and from “The only other part” to “knowledge of other pirates.” Page 45, from “Mr. Caldwell himself” to “drowned in the cabin.”

For charge 2—See page 17, para: commencing “With reference to charge 15.” Page 21, para: commencing “I know that the houses” to “told me he intended.”

For charge 3—See page 84, para: commencing “Some six or seven years.” Page 85, para: “The part which refers.”

For charge 4—See page 85, para: “With reference to charge 19.”

[No. 14.]

VICTORIA, HONGKONG, 15th August, 1860.

SIR,—In accordance with the direction of His Excellency the Governor in Executive Council given to me verbally on the 14th instant, I have the honor to furnish you with the number and dates of certain letters and documents which I desire may be laid before the Honorable Council for their information.

Colonial Secretary's letter No. 389, 18th July, 1855.

Do. 402, 19th do., and a letter on the subject of the foregoing, dated on or about the 14th September, 1855.

My letter to Colonial Secretary, 19th July, 1855.

Do. 14th September, 1855, and a letter or circular, conveying an extract from a Dispatch from the Right Honorable the Secretary of State for the Colonies to His Excellency the Governor, which from my recollection conveyed an intimation that it was inadvisable that Government Officers should own landed property. The date of this I cannot recollect, but I think in the year 1856.

From Acting Colonial Secretary No. 200, 17th February, 1857.

Do. 209, 20th do., do.

Do. 226, 26th do., do.

Do. 329, 31st March, do.

Do. 732, 13th August, do.

Do. 733, 13th do., do.

Do. 906, 28th October, do.

Do. 949, 20th November, do.

Do. 35, 25th January, 1858.

Do. 105, 25th February, do.

Do. 125, 11th March, do.

Do. 137, 18th do., do.

Do. 144, 19th do., do.

Notification 45, 17th May, do.

From Acting Colonial Secretary 397, 8th July, do.

From Clerk of Councils 19th do. do.

From Acting Colonial Secretary 489, 16th August, do.

Letters addressed by me to the Honorable the Acting Colonial Secretary.

No. 9, 23rd February, 1858.

12, 12th March, do.

13, 20th do., do.

14, 23rd do., do.

35, 23rd June, do.

41, 8th July, do.

44, 20th do., do.

I have, &c.,

(Signed) C. MAY,
Acting Assistant Magistrate.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

List of Charges made by the undersigned against Mr. D. R. Caldwell, Registrar General, &c., before the Executive Council of Hongkong, in accordance with the Notification in the Gazette dated 28th July, 1860.

First.—With having had a long and intimate acquaintance with a notorious pirate commonly called Mah-chow Wong, between whom and Justice Mr. Caldwell repeatedly thrust himself, and with having during the trial attempted to screen, and after the said pirate was committed on evidence which it is simply impossible for any unprejudiced man possessed of ordinary intelligence to doubt, used undue endeavours to obtain a pardon, such attempts and undue endeavors consisting of, 1st.—His having appeared on the bench when the pirate was brought before the Magistrate, and having given the sitting Magistrate a good character of the said pirate. 2ndly.—His having procured or been instrumental in procuring bail for the said pirate after he was committed. 3rdly.—His having given evidence in the pirate's favor when tried and condemned at the Supreme Court. 4thly.—His having gone to the Governor accompanied by the Counsel who had defended the said pirate the day after the conviction and solicited a pardon. 5thly.—His having got up a petition in the said pirate's favor addressed to the Governor in Executive Council, some of the influential Chinese having signed their names *in terrorem*. 6thly.—His having undertaken to examine the papers found in the pirate's shop, and reporting that the same did not contain evidence of guilt, whereas they did.—Such misrepresentation but for the merest chance would have obtained the pardon of the pirate.

Second.—With having procured the restitution of the pirate's property after his conviction, and having also obtained an order for the delivery of the books and papers from the Supreme Court on which the pirate was convicted.

Third.—With having kept up a communication with the pirate whilst in Jail, and with having since his departure to Labuan taken a direct interest in his business.

Fourth.—With having during the past few months published a pamphlet not only reasserting the innocence of the pirate, but maligning every individual, whether a member of government or otherwise, who had been at all instrumental in bringing the pirate to Justice.

Fifth.—With being in the habit of inducing British Men of war upon the sole information of this pirate to destroy piratical squadrons, there being evidence to prove that the said pirate was actuated by peculiar motives of his own, and that the power he thus possessed of evoking the assistance of men of war, greatly added to and strengthened his piratical influence.

Sixth.—That the influence which this Mah-chow Wong acquired over the native population of this Colony in consequence of the support and cooperation of Mr. Caldwell (which pervaded and even controlled the Executive Council itself) was so great, that he could and did commit any act he might please with impunity it being impossible to induce them to give evidence against him, although all the reputable traders in the place did not hesitate to state their true sentiments to their European acquaintances.

Seventh.—With having through a false declaration obtained a British Register for a lorch a belonging to the said pirate which lorch a was commanded by a notorious pirate named Beaver, to whom Mr. Caldwell paid wages, and which lorch a was piratically employed whilst sailing under such Register.

Eighth.—With having so shamefully mismanaged the case of this pirate Beaver when he was arrested and brought before the Magistrate, that the man escaped, although it was so certain he was a pirate, that he was only liberated on condition of his leaving the Colony.

Ninth.—With having given a wrong translation or version of a certain paper found on Beaver to the Caldwell Commission.

Tenth.—With having during the month of March 1859, at the solicitation of a shroff whose name is on his pay list, (who complained that a boat in which he was interested had been piratically seized at or near Namtow) induced H. M. Naval authorities to send a force to Namtow, where by means of violence and threats of violence a sum of money was extorted from the inhabitants of the place and paid into the hands of Mr. Caldwell.

Eleventh.—With having lent himself to aid a prosecution against one Tong Akui, an interpreter at the Magistrate's Court in consequence of the said Tong Akui's exertions in the conviction of the said pirate Mah-chow Wong.

Twelfth.—With having obtained some gold dust which one Pang-poi-yeen had stolen, and with having given it to certain claimants on the security of the said pirate Mah-chow Wong who were not the real owners.

Thirteenth.—With having at a land sale at Sowkeewan on 16th January last past intimidated the Chinese by his presence from bidding for land, with the view of buying it cheap for himself.

Fourteenth.—With having made gestures to Chinese witnesses before the Caldwell Commission, thereby intimidating them in giving their evidence.

Fifteenth.—With having searched the room of one Assow who he knew was about to give evidence against him before the Caldwell Commission, under pretence of looking for stolen articles which had either been recovered or had never been stolen.

Sixteenth.—With having in February last put forward a Chinese named Assing in a case of kidnapping as an escaped Coolie, when he knew that Assing was a Coolie broker.

Seventeenth.—With having caused the Editor of the *Daily Press* to be prosecuted for libel last March, after having carefully deprived him of the assistance of Counsel.

Eighteenth.—With having in January 1857 caused the release of two pirate boats which had been seized by the police, although they contained the celebrated pirate chief Po-pak-shing—The said release being caused by Mr. Caldwell affirming that he had examined their papers and had found them honest traders.

Nineteenth.—With having in January 1859, intimidated Cheong Acheong and Leong Awoo into staying proceedings against him for an action for false imprisonment which they had commenced against him.

Twentieth.—With having in January 1859, promoted a false and malicious charge against Akun the lokong, the witnesses in which were punished for perjury.

Twenty-first.—With having been in the habit of arresting Chinese on information given to him by Mah-chow Wong, and of prosecuting them, it being evident that the evidence adduced was most objectionable.

Twenty-second.—That although knowing one Pang-wah-ping had tendered a bribe to his wife of \$1,000. so that she might induce him, Mr. Caldwell, to recommend Pang-wah-ping to the Commissariat for the purpose of securing a valuable contract—he took no steps either to have Pang-wah-ping punished, or to make known the circumstance to the Commissariat.

Twenty-third.—That although knowing that a woman named Shaplok had as represented to him obtained a sum of money in his name for alleged assistance in obtaining the commutation of the sentence of the Supreme Court, that he did not take prompt measures to bring the said Shaplok to justice, nor act in a becoming manner as an officer of Government.

Twenty-fourth.—That if the Criminal nature of the connexion between Mr. Caldwell can be doubted, Mr. Caldwell's incapacity for office is clearly indicated by his suffering himself to be the dupe of such a notorious miscreant condemned by the public voice, the injury to the name of H. M. Government, and the injury to the community being none the less whether arising from criminality or incapacity.

For the assistance of the Council I desire to give from memory the particulars of the case on which Mah-chow Wong was convicted. He was committed on two cases, but was only tried on one of which the following is an outline. Some time about May 1857, some Chinese gave information of a pirate boat being in the harbor—this was seized and at the Station both crew and boat were recognised by the informers. At the Magistrate's Court Mr. Stace appeared to defend the pirates—the informants had clearly been tampered with, and declined to identify either men or boat. The case was dismissed. The only connexion that Mah-chow Wong had with this matter was that either he or his partner had retained Mr. Stace, in which regard I call the special attention of the Council to the items in Mr. May's memo. of the fees paid lawyers. About two months after this, a Portuguese Constable walking along Bonham Strand saw a boat which he recognised as being the very pirate which had captured him some time previously and held him in durance for a long while. He told Sergeant Silva who laid his plans adroitly, seized the boat and crew, after watching the cargo (sugar) taken to Mah-chow Wong's shop. The Portuguese policeman recognised some of the crew, and Sergeant Silva recognised it as the very boat which he had seized previously as above stated. The weak legal link, I suppose, consists in no proof existing of how the sugar was come by—Mah-chow Wong's books proved his repeated dealings with the boat. Any record of the entries should be carefully studied—I forget them further than that they forcibly illustrate the entries jotted in Mr. May's memo: The following moral evidence in this case struck me as very conclusive.

Vide Assow's ('N
mun-sow) *Caldwell
Commission*, page

If there be a deficient or weak link in the chain of legal evidence, surely the Executive Council can put on their reasoning and unprofessional spectacles, and look at the *moral* evidence, such for instance, as the intercepted letter written by the accountant of Mah-chow Wong, sealed and ready to be forwarded to the writer's father on the mainland and which reads to this effect—"A woeful thing has happened; our shop has been seized upon a charge of buying sugar from pirates; but the saddest part is, that the ownership of Mah-chow Wong in the boat has been discovered."—*Daily Press*, 14th July, 1860.

I have however very faintly described this case, and I forget where I had the information. There was something connected with the burial of a pirate chief, and there were other Portuguese in durance besides this Constable.

The second case on which Mah was committed but not tried was thus most correctly given by the *China Mail*.

An outline of the case *not* tried at the late sessions of the Supreme Court cannot be other than useful intelligence to the public. In July last, a respectable trader chartered a junk to bring a cargo of sugar, blue dye, and sesamé seed to the colony. On the 6th July, the day after sailing, the vessel was attacked and captured near Linting by a fleet of pirates, and during the attack, the wife of the master, the wife of the master's son, and two of the junk's crew, were killed, and the master and some others of the crew wounded. The pirates threw the dead bodies overboard, sailed the boat to Linting, and the same night transhipped the cargo into their own vessel, liberating the captured boat at about 3 A.M. of the 7th July. The latter got under weigh at daybreak and sailed to Hongkong, and at 7 o'clock the same morning information was given to the charterer, who, after sending word of the piracy to the police, went in quest of the plundered cargo. At 9 A.M. the same day he found 110 bags of the sugar, and 15 tubs of blue dye, at Mah-chow Wong's shop in Bonham Strand. The man in charge of the shop referred the owner to Mah-chow Wong, with whom accordingly he had an interview at the Central Market. Mah-chow Wong, after decrying any appeal to the police, promised to restore the sugar in his possession, and to use his best influence to aid in the recovery of the remainder, stating that the person who had given him the sugar had left the colony. Accordingly, the sugar and blue dye were given up, but only after a demur subsequent to the first arrangement, and on an understanding that the receiver was to give Mah-chow Wong a bonus of \$100. *The books of the shop prove these strange facts*,—that before and after delivery of the sugar, Mah-chow Wong had been in direct correspondence and dealings with the pirates, having paid to the latter the \$100 received from the owner of the sugar, the day subsequent to its delivery and consequently at the time with a full knowledge that the recipient was a pirate. Another peculiar feature of the matter is, that as early as 7 A.M. of 7th July, (the day after the piracy,) a man from Mah-chow Wong's shop had effected a sale of the sugar to another dealer—a friend to the firm; so that if there had been any delay in the search, the sugar would not have been found.—*China Mail*, 17th September, 1857.

And another fragment of *legally* rejected evidence is, that after the capture of the sugar-laden boat by the pirates, and when the bodies of the murdered men and women had been cast overboard, the pirates said to the survivors of the crew,—“for the dead, that is past; but regarding the cargo, go to Mah-chow Wong.” We would request His Excellency to ask the honourable the Acting Attorney General (who so painstakingly performed *his* duty) whether such evidence was not tendered to him.—*Daily Press*, 14th July, 1860.

(Signed) Y. J. MURROW.

[No. 16.]

No. 32.

CHIEF MAGISTRATE'S OFFICE, VICTORIA,
HONGKONG, August 16th, 1858.

SIR,—I have the honor to acknowledge a letter from your Department No. 484 dated 12th August, 1858, in which I am pained to observe that a tone of irony and sarcasm is adopted towards me which my feelings of self-respect would compel me to meet with silence alone, were there not certain misapprehensions of the meaning of my letters No. 30 and No. 31 which I think it necessary to rectify.

In the letter now under acknowledgment I am told that Mr. Mitchell's experience of the Chinese Community is far more lengthened and extensive than mine, and that he has "reported his opinion" that 'Ng Mun Sow (or Assow) is not to be believed upon his oath.—I have never expressed any opinion as to Assow's general credibility. I did, at the desire of His Excellency, express my opinion that Assow's evidence before the Caldwell Commission was in the main true. Mr. Mitchell I presume did not intend to say that no statement made by Assow could possibly be true. Mr. Mitchell's "reported opinion" does not therefore conflict with mine. Had I desired to lessen the value of his opinion I should have opposed to it his acts, for he was during some months Acting Chief Magistrate while Assow was Interpreter, yet he never took any steps whatever to remove him; I should also have opposed to it the acts of my predecessor, a gentleman whose experience of the Chinese Community was even more lengthened and extensive than Mr. Mitchell's. The only instance of my professing any knowledge of Chinese opinion is in my statement that in the opinion of the Chinese Community the services of Assow and of another Interpreter had been lost to this department owing solely to the hostility of Mr. Caldwell. I should be much astonished to learn that Mr. Mitchell's experience had led him to a conclusion at all different from mine in this respect; and, in fact, I am convinced that if questioned he will be found to agree with me.

His Excellency states that he is not informed of the manner in which I have acquired my knowledge of the opinion of the Chinese Community. I must therefore inform His Excellency that in the only matter as to which I have professed such knowledge I have had far greater means of knowing their opinion than most people and certainly than Mr. Mitchell. I sat as examining Magistrate in both the charges against Ma-chow Wong. I investigated as Magistrate the two charges against Tong Akü one of "the Interpreters lost to this department," and I could not shut my eyes or ears to the doings and sayings of the large and interested audience, which led me to conclude that in their opinion the charge against Akü was owing to the hostility of Ma-chow Wong and Mr. Caldwell:—it was to me that Akü wrote when he resigned his post, giving as the reason of his resignation the supposed hostility of Mr. Caldwell,—his relation the Shroff resigning at the same time and hinting at but not distinctly giving the same reasons; it was I to whom was repeated the angry remark of a disappointed applicant for Akü's place that he certainly would not have taken it as now he had learned the cause of Akü's prosecution he was convinced that no honest man could act as Interpreter: it was I to whom, a few days after Assow's room had been searched by Mr. Caldwell, were offered proofs that threats of vengeance had been used towards more than one of the Police Court Interpreters in case they should give evidence before the Commission. I pause here to record that I do not believe that any such threats had been used but the mention of them shews that their use was not considered improbable. I sit in the lower and more public Court at the Magistracy and consequently receive fully two thirds of all petitions brought to the Magistracy and hear the same proportion of the various applications and extrajudicial statements made there. From these, and the facts above referred to and many similar ones I am confident of the correctness of my judgment of the opinion of the Chinese Community on this particular point—however unjust and unfounded such an opinion may be.

In reference to the last paragraph of the letter to which this is a reply I must observe that I certainly had "in full view the inconvenience the public service" (as confined to this department) "would suffer when on more than one occasion I menaced Assow with dismissal," but so strong was my impression of the more than inconvenience to the public service in its widest sense which would arise from Assow's dismissal at the present time—knowing to what cause the Chinese would attribute it—that I should have hesitated to carry out my menace unless for very flagrant misconduct until the Caldwell Commission had been partially forgotten.

To conclude, I certainly never intended to question the Justice of the decision of the Executive Council that Assow should be dismissed. When I wrote my last letter No. 31, I had very little information as to the grounds on which the decision was based. I do not even now know whether the Council consider Assow to have spoken falsely before the Commission, or whether he is dismissed only on the ground of his general want of veracity and fidelity. As the latter might have been the ground of dismissal, and as it was one of long-standing, I deemed it advisable to point out to His Excellency the reason to which in my opinion the Chinese would attribute the dismissal, as His Excellency in Council might thereby be induced to recal the order for the present, although I did not feel myself at liberty to abstain from acting upon it immediately.

I have, &c.,

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

To the Honorable
W. T. BRIDGES, D.C.L.,
Acting Colonial Secretary.

MEMO.

Mr. Bridges will make any observations he deems fit on this letter. I think when "*proofs were offered* of threats of vengeance against more than one of the Police Court Interpreters should they give evidence before the Commission" it would have been better to have examined the *proofs* than that Mr. Davies should merely report that he does not believe them. As a member of the Commission he has reported that the Chinese are unwilling to give evidence against Mr. Caldwell. *Proofs* of such unwillingness—especially associated with threats—would have been very important.

J. B.
17/8/58.

[No. 17.]

COUNCIL OFFICE, VICTORIA,
HONGKONG, 28th September, 1857.

SIR,—With reference to the statements made by you to His Excellency the Governor in Council this morning, I am directed to request you to furnish a written Report of what you verbally communicated bear-

ing on the case of the Convict Wong Akee, alias Ma-chow-wong, and also on the Editorial statements which appeared in the *China Mail* newspaper of 17th Instant.

The Books found in the Shop of the abovementioned Convict will be forwarded to the Chinese Secretary to the Superintendency who will be requested to render you every assistance in making translation of whatever you may find in them whether favorable or unfavorable to the Convict, and transmit all these Documents to me.

I have, &c.,

J. M. D'ALMADA E CASTRO,
for the Clerk of Councils.

D. R. CALDWELL, Esq.

[No. 18.]

VICTORIA, HONGKONG, 5th October, 1857.

SIR,—In obedience to the orders of His Excellency The Governor in Council, communicated in your letter on the 28th Ultimo, I beg to state in writing all that I mentioned before the Council, and other particulars respecting the convict Wong Akee.

I did not know Akee personally before 1847, and in that year on returning to the Colony from leave of absence I was told by some person that a man named Wong Akee was in custody charged wrongfully with felony—I believe I made some enquiries about the case, but whether he was admitted to bail or not, I cannot remember; he was however discharged at the Supreme Court, no case being made out against him—I think I have before stated that he was not committed for trial, but discharged at the Police Court—I have however carefully thought over the matter, and I think the present statement to be the correct one. The circumstances of the case were, that a robbery of Stationery, &c., having been committed, some of the property was traced to a room in a wooden market belonging to Mr. Strachan, in which market Akee lived; and he and others were arrested on suspicion of being concerned, as they lived in rooms adjoining the one in which the stolen property was found—Akee came to me after his release and expressed his gratitude for my assistance (he having been informed that I had been instrumental in obtaining his release.) From that time my acquaintance with Akee commenced—it would be difficult for me to state all the cases in which I have been concerned, whether in the capture of Pirate vessels, or of offenders in the Colony, wherein I derived my information from Akee; but I may with safety say that in six cases out of ten he has assisted me—and here I must remark that Akee, being a native of the District of Sunoan, and there being a large portion of the Chinese population of this Colony belonging to that District, and a great number of them Fishermen, who visit all the Fishing stations on the different Islands adjacent to the Colony, he had greater opportunities of hearing of the acts of the Pirates than any other person, particularly as he has been the Lessee of the Central Market Fish Stalls for many years—he has also been head watchman at that Market for a long time.—It has been stated that Akee is known to be a man in affluent circumstances; this is not the case, as I am aware on the contrary that he is in debt.—About three or four years ago he entered into speculations with others in the chartering of ships to California in which he made some four or five thousand dollars, and upon this he with others purchased from Tam Achoi an American ship called the *Potomac* and sent her on to California; on her arrival there she was seized by Tam Achoi's partners who stated that he had no authority to sell her, and Akee lost every thing; and I am aware that he has at the present time a large claim against Tam Achoi in consequence, but for which he could not sue him not having the means.—At the same time that he purchased the *Potomac*, he purchased two Chinese boats which he altered and fitted out as Lorchas—one of these in 1855 he wished to lengthen, but not having the money he applied to me and I advanced a sum of money for that purpose and took a share in the Lorcha putting her in my own name for security. The other Lorcha of which he was part owner he made over to the other shareholders about the time she was sent down to Singapore with Chinese passengers having on board a European named Beaver as Master.—On her return from Singapore the people on board the Lorcha turned pirates and made several captures, some of which with the Lorcha they took into a place on the Coast called Sunling.—Some time after the man Beaver arrived in the Colony and reported to me all that the Lorcha had done; he came accompanied with a Chinese named Ayuen who called himself part owner (and who is now in the Colony.) Before reporting the case I asked Akee about it, and he informed me that the statement was true.—On my making a report to the Senior Naval Officer, the Honorable Captain K. Stewart, that Officer proceeded in H. M. Str. *Coromandel* with armed Boats (the owner Ayuen, Beaver, and myself accompanying him) to the place pointed out by Beaver, and there found the Lorcha and 3 Junks, the latter having been claimed were not destroyed, but the Lorcha being aground and unmoveable was set on fire.

I now beg to state the reasons, so far as I know, why Mr. Dixon, the Editor of the *China Mail* has brought the name of Akee so prominently before the Public with a view to prejudice the minds of all the Foreign Community against him. I remember Akee telling me some 5 or 6 years ago that he had had a quarrel with Mr. Dixon's kept mistress (a Chinese woman) and that she had threatened to get Mr. Dixon to bring Akee into trouble in some way or other; he informed me of this, being afraid that some false charge might be brought against him through the agency of this woman.—I told him that our laws would protect him, and that so long as he conducted himself uprightly he had nothing to fear.—Some time after this Akee again became on speaking terms with this woman and on one occasion while he was sitting in her house where he had gone in consequence of some Religious festival, Mr. Dixon came in, and as he was alone with the woman he told me afterwards he was afraid Mr. Dixon might think that he was there for an improper purpose.—In consequence however of his demanding a sum of money from a woman named Akew, who had borrowed it to enable her to go to California from another woman, who being indebted to Akee had made over Akew's note to him, Mr. Dixon was informed of it through his Mistress who was a friend of Akew's, and he wrote Akee a Chinese note requesting him to see Mr. Dixon on the subject which on his refusing to do he was summoned before the Chief Magistrate for extortion (the woman Akew having paid him \$20 on account of the claim.)—Mr. Dixon appeared on behalf of Akew, and Mr. Hillier finding that

the money had been lent for an immoral purpose dismissed the case, requiring Akee to refund that portion of the amount he had received in part payment and to find bail to keep the peace towards Akew, she having stated that she was afraid he would do her some injury.

With regard to the statements made in the *China Mail* of the 17th Ultimo, I beg to state that the first one, namely Akee's communications with the Chinese Authorities, especially with a Lieutenant of Chun-qui-chik must be incorrect; for I am aware that at the time all Chinese were ordered to leave the Colony and return to their Native places, Akee was particularly singled out by Chun-qui-chik (who had made Akee's Native place his head quarters) to return—this he positively refused to do, as he told me the object of getting him home was to compel him to act against Hongkong—he showed me two or three letters received from his relations informing him that if he did not return his family would suffer; he still resisted the order, and on one occasion he brought me a man who had come with the intelligence that his house was in the hands of the braves.—He frequently offered to go personally and act as pilot for any force which might be sent against Chun-qui-chik, and guaranteed that the people of the place would not resist us.—I did on more than one occasion inform the Government and His Excellency The Admiral of this offer.—Akee made great exertions through his friends to get his family away but could not succeed, until the time that the people of his Native place had a dispute with some of Chun-qui-chik's braves in consequence of which a fight arose and two of the braves were killed. Chun-qui-chik then removed to his own Native village, Sha-cheang, when Akee's family escaped to the Colony.—I am also aware that he has had communications with the Mandarin at Cowloong, but it has been at my request, as on the occasion of my being sent over to that place to restore certain articles to the Mandarin which had been brought away when our Soldiers went over; I previously requested Akee to send over and inform that Mandarin that I was coming for that purpose, my object being to quiet the fears of the Mandarin, who on seeing another force coming over might take alarm and I should have failed to deliver the articles—the Mandarin wrote a letter to Akee requesting him to tell me not to take the trouble, but to send the articles over—before he received this letter I had however gone over and did not see it until after my return. To show that Akee has no feeling friendly towards the Mandarins, I must mention that he was the man who informed me that a small Mandarin named Tam (who is now in Gaol) was in the habit of coming over here daily from Cowloong for information to be forwarded to Chun-qui-chik; he told me the shop I should find him in; and after obtaining His Excellency's Warrant for his apprehension, I eventually seized him in the same shop; of his identity I had no difficulty having for some years frequently seen him myself at Cowloong. Again, when the Troops proceeded over to Cowloong in April last a guide was required owing to my being unable to go myself, and Akee procured a man instantly. With regard to the next assertion that the Books of Akee show large dealings in Guns, Powder, Shot, &c., I beg to refer to my special report of the Books at foot of this letter; this will also include the third and fourth statements, viz. his connection with Gibb, Livingston & Co.'s silk robbery, and the recovery of Pirate boats seized by ships of war. Regarding the next statement as to his extensive dealings in the Slave Trade to Singapore, I beg to refer to what I have stated above regarding a Lorch which had formerly been his and which went to Singapore, beyond which I am not aware, nor do I think he ever had any thing to do with Singapore, except that one ship chartered by him on her way to California put into that place in distress being full of passengers. The next statement charges him with being the universal Agent in the defence of Criminals as shewn by the amounts paid as Lawyer's Fees, which are said to be enormous—on this statement I beg also to refer to the especial report on the Books. The next statement is his money transactions with Foreigners, a report of which will likewise be found below—and that certain Gold dust which had been recovered, and ordered to be handed over to the persons robbed, was distributed by Akee, and that only one half reached the hands of those for whom it was intended—this I can positively state to be untrue, as the recovered Gold dust was delivered to me by Mr. May in whose charge it had been, to be given over to 21 Chinese passengers who had been robbed of it, and to guard against any after disputes I got the parties to give me security for its proper division—the bond signed by two respectable Chinese I gave over to Mr. May as also the receipts of the parties receiving the Gold Dust—all this was done through the Shroff in my office and I do not think Akee ever spoke to me on the subject.

The next statement is regarding the extortion of \$20 from a China woman.—I have already above given the particulars of this case as far as I can remember them, but the records in the Police Court will speak for themselves, as also the case in which he was committed to the Supreme Court and which I am certain does not contain the statement made in the *China Mail* as to the stolen property being found under Akee's bed—the remaining part of this paragraph contain statements which if true must have brought Akee more frequently before the notice of the Authorities, for to be “the recognized head of the turbulent class of Chinese people, and a man of might and power for evil,” his name would certainly at one time or another have been mixed up in some of the numerous cases brought before the Magistrates. The last statement of all in this paragraph, viz. Akee's having held situations under Government such as Tepo of Sheak-pai-wan, and from which he was summarily ousted by Mr. Hillier in 1853, I can positively state, of my own knowledge, is also untrue; for he never was a servant of the Government nor was he ever Tepo of Sheak-pai-wan or any other place on the Island, nor did he ever reside at that place.—The two Tepos who were dismissed were Cheang-yat-kuen and Soo-hing-wun.

The next paragraph commences by stating that Akee was, besides the case referred to above, once or twice before the Chief Magistrate in matters touching extortion from women; I do not think there are any records at the Police Court to prove the fact, nor any to show his “numerous delinquencies;” to cause Mr. Hillier to have “a thorough abhorrence of the man.” With respect to the next statement in this paragraph (and this makes the third time Akee was ever brought before the Magistrates since he came to the Colony) I have more to say, because the man said to have been concealed by Akee, and for which he was arrested by Mr. May upon the statement of a woman, was the notorious pirate Chü Aki (afterwards one of Chun-qui-chik's Emissaries.) This Chü Aki had been some time before arrested and taken to the Police Court where he was ordered to find two sureties for his appearance to answer any charge within a certain time; and as Akee was aware of this fact, when he was falsely accused by the woman of harboring Chü Aki, he sent to the sureties and explained to them that he had been arrested on that charge and desired them to produce Chü Aki which they did and brought him to the Police Station; no case was made out against Akee and he was discharged.—Chü Aki however, who, had it not been for Akee would not have been in custody, (as the fact of the bail was not known to, or forgotten by the Police Officers) was committed to take his trial with two Police Constables for extortion and robbery—as the witnesses did not appear at the Sessions, I think the case was postponed until the following Sessions, and Mr. May asked me to endeavor to procure the attendance of the witnesses for him—I employed Akee to ascertain if they could be found and he afterwards informed me that the friends of Chü Aki had bought them off, and that they had left the Colony; the prisoner was con-

sequently released. Shortly after this Chü Akee joined a small Pirate fleet which on his taking command soon became formidable, and it was his fleet which captured the 2 Portuguese Lorchas in the Cap-sing-moon and delivered over the Portuguese fund on board to Chun-qui-chik, representing them as so many English—for this service he was taken into Chun-qui-chik's employ to act against Hongkong, and his fleet was the one which interfered so much with our provision boats coming from the Canton River. Akee frequently offered to pilot any force which might be sent against this fleet and which I as frequently stated in my Official reports. When Chü Akee became Chief of the Pirate fleet, Boggs and the man named Beaver joined him, and were afterwards in the employ of Chun-qui-chik. This fleet of Pirates or Emissaries was the one captured at Namtao by H. M. S. *Sampson* and on board of which some valuable papers were found, as also proofs that these two Foreigners were among the fleet. After the destruction of this fleet, Boggs joined the Pirate fleet of the well known Tai-fai-oot, and as Boggs has tried to make it appear that Akee was a friend of this man and that when his Lorchas was attacked by another fleet of pirates, Tai-fai-oot punished the pirate Chief for interfering with Akee's Lorchas; I beg to state in order to show how false this statement is, that the Master of this Lorchas (which at the time of the attack on her by pirates was in my name) was placed on board by the Acting Harbor Master, I having applied to him to get me a steady man to take charge, he was consequently a perfect stranger to Akee; and if while absent from the Colony it was likely that she would have had dealings with pirates it is not to be supposed that Akee would have been inclined to place a man on board who on his return would certainly have reported all that occurred in his presence—this he did do to the Honorable The Acting Colonial Secretary and to myself, and his report which will no doubt be remembered by that Officer I shall not again relate, but merely state that it was just the very reverse of Boggs' story, and that in fact it was his own fleet which made the attack upon the Lorchas and her convoy Junks.

As to the next paragraph the only thing I can say of it is that it is a bare statement on the part of Mr. Dixon without any proof.

The next paragraph gives an outline of the other case on which Akee was committed but which was not tried, and if allowed to remain without explanation would tend to show his guilt in knowingly dealing with pirates and receiving stolen property—the particulars of the case however which I have ascertained and which Akee was in position to prove had the trial come on, were that the Master of the boat was a constant trader to Hongkong, and was not only known to the Accountant in charge of the Kwong-yik-loong Hong but to other Shopkeepers and even to the prosecutor Le-a-kum himself—that the Sugar was brought to the Hong in the usual business way and left for sale on commission—that of the 110 bags only 22 were landed as samples, the remaining 88 bags being still on board—that the Accountant of the Hong sold the Sugar to another Shopkeeper of which the owner was informed—that some time during the day the owner of the boat and Sugar came with Le-a-kum to the Hong and the former told the man in charge that he had sold the Sugar to the latter at a higher price than he had got for it, the bargain money was consequently returned to the first purchaser and the weighman of the Hong at the request of Le-a-kum weighed the 22 bags of Sugar which were in the Hong and delivered them to him—a dispute then arose between Akum and the Accountant regarding the commission on the other 88 bags which were to be delivered from the boat.—Akum stating that the Hong was not entitled to commission because the Sugar was not actually delivered from the Hong and that he had bought it direct from the owner of the boat—and the Accountant maintaining that the Hong was entitled to commission because the Sugar had originally been brought there for sale. After some time Akum agreed to pay the Hong the full commission and the weighman then went off with him and weighed the remaining 88 bags in the boat which were also delivered to Akum—it was further arranged that the value of the 22 bags should be paid into the Hong in order that the commission and charges might be deducted, and as Akum stated at the time that he would have to settle for the greater portion of the Sugar with the owner, he would pay the Hong \$100, that being about the value of the 22 bags—this was done and after deducting commission, &c., the balance was paid to the owner of the Sugar who then went to Akum to settle for the other portion which was paid in Opium—the Hong also received from Akum subsequently their commission as is the custom of Hongkong to receive from purchasers of goods—the books of the Hong show all these entries in a straight forward and business like manner—there was also undoubtable evidence to prove that Akum had told a party, speaking of the Sugar in the Hong, that he had seen it but that it was *not* that which had been taken by the pirates! It will appear strange if this statement be true, how Akum came to lodge a complaint at the Police Court and apply for an Arrest Warrant as appears on the information—his explanation is that a Police Constable and a Chinese belonging to the Police Court came to his Shop about 4 P.M. and asked for the head salt weighman, he being the salt weighman was told that he was required at the Police Court, that he accompanied the two men to the Police Court where he was told by Mr. May through the Interpreter Tong Akü that he had done something wrong—he stated he did not know of any thing except that he had not paid the last instalment for the salt weighing privilege—that he was then taken down to the Police Station by an Inspector and detained in the charge room until Mr. May came followed shortly after by Tong Akü—he was then taken up stairs and asked if he had not been robbed of some Sugar and that he had reported the robbery at the Station, and if he had not received some Sugar from the Kwong-yik-loong Hong—on his stating that he had he was asked if there was not a further quantity of the same Sugar then in the same Hong, he stated that he had seen that Sugar but that it was not his—he was then requested to go with the Police to the Hong and examine it, and as he stated that he could not identify it so well as the man who was on board at the time of the Piracy, a Chinese Constable was sent from the Station to his Shop to bring the man, who on arriving was sent with an Inspector to the Hong, Akum being detained at the Station—on the man's return he brought a sample of the Sugar from the Hong as also one of the Sugar which had been robbed to show that they were not alike—the man was then taken by the Inspector to search the house of Akee, but returned without finding anything, Tong Akü asked him if there was not a jacket or a pipe that he could identify—during all this enquiry Mr. May continued writing something which he did not know, but states that he never signed his name to any document—he was subsequently allowed to go home, and that night he observed Police stationed both at the front and back of his Shop—about half past 9 P.M. he had occasion to go out of his Shop, and the next morning early he was sent for by Mr. May who asked him who it was that had been to the house the previous night and left it again at half past 9—he explained that no one had been there but that he had gone out himself about that hour—he heard in the morning that Akee had been arrested. • I consider it my duty to state at this point, that on the 1st day Akee was brought before the Chief Magistrate, I was on the bench as also Mr. Inglis the Governor of the Gaol, and on that occasion Mr. Inglis stated voluntarily that Akee was a well known bad character and that he had frequently been brought up before the Magistrates charged with being connected with Pirates—knowing that this was not the case I instantly informed the Chief Magistrate that Mr. Inglis' statement was incorrect, and that Akee had never been brought up on such a charge—

it is stated that the Hong in which this Sugar was found belonged to Akee, this statement I know to be quite incorrect as the Hong and business is the property of a Chin-chew man residing generally at Swatow, and who having several times chartered Akee's Lorch set up in business here, having built the Hong and putting a man named Shum Ahing in it to conduct the business—he also asked Akee to look after the Hong as Shum Ahing was a stranger, and for so doing, he promised Akee $\frac{1}{3}$ th Share of the profits of the Hong. Akee had nothing to do with the transactions of the Hong, nor had he any voice in its business, he was merely to see that the Hong did not get into difficulties through the ignorance of our laws by Shum Ahing.

The next paragraph states that the charges brought against Tong Akü were trumped up in consequence of the assistance rendered by him against Akee.—I must here state that when Akee was bailed out on being committed for trial, he told me of several things which he had learnt in the Gaol and which much against his wish I considered it my duty to make known to the Honorable The Acting Colonial Secretary who afterwards directed me to send the man who was said to have paid money to Tong Akü to his house, and I did so—what occurred at the Police Court I cannot say, but I may be permitted to state that at the time he gave his evidence against Tong Akü the Police Court was filled with his friends and the complainant being alone was no doubt much embarrassed while giving his evidence—as to the Interpretation I can only say that I was told that same evening that the witness was frequently checked by the Interpreter—he had likewise to undergo a severe cross examination; and when it is considered how addicted the Chinese are to prevaricate when undergoing a cross examination—it is scarcely to be expected that any other than a committal of the witness would be the result of such an examination—that the witnesses *were* bought off before the trial of this man's relation is well known as Mr. May himself can testify, for it was upon *his* evidence in Court to that effect that the depositions were read, and the two men convicted upon them. The other two charges brought against Tong Akü were by a convict in Gaol who sent me two Chinese petitions by some person whom I did not see as I was absent from my house when he brought them.—I put the sense of these petitions into English and handed them over to the Honorable The Acting Colonial Secretary the petitions being addressed to His Excellency The Governor—that there must have been some truth in one of the charges, at least, there cannot be a doubt, viz. that of the watch, and of this Dr. Legge is aware of some facts; but there being no corroborating evidence (although it might have been got) the cases were dismissed.

I take the liberty of here remarking that Mr. Dixon in the very beginning of his article states that “the books of the firm found in his (Akee's) Shop are of themselves, *we are told*, quite sufficient to justify his deportation, &c.,” and then goes on to give the particulars which *he was told*—this information must have been communicated by some Officer of Government connected either with the Magistrate or Police Departments, as the books and papers seized by the Police were never out of their possession up to the time of his writing the article. A remark also appeared in a previous number of the *China Mail*, to the effect that as Akee had been admitted to bail pending his trial he would take advantage of it, as he could easily pay the amount of the bail \$5,000 and would evade his trial—to show the Honorable Council that had Akee wished, knowing himself to be a guilty man, he might have left the Colony without even forfeiting his bail bonds, which were to the effect that he should appear at the Supreme Court on the 31st of August—on that day Akee appeared and waited until the Court closed but he was not detained by the Police (although he stood at the Court door the whole day) he then returned home, and from that time he was free to leave the Colony—this he well knew, but preferred to appear the next day and stands his trial evidently depending upon his innocence.

It has been stated both in the *China Mail* and *Hongkong Register* that most of the Chinese in the Colony are quite satisfied with the sentence upon Akee.—I am not aware what means the Editors of those papers had to gain this knowledge, but as far as I have heard, and I have been questioned by a great many people, they all seem astonished at the result of the trial. There are some few Shopkeepers in Hongkong to whom Akee was obnoxious, several of them on Bonham Strand; and one cause for this is the fact that some time ago an extensive Piracy was committed on a vessel laden with Tin from Cochin-China, and I was applied to, to ascertain if any of it was in the Colony.—I got Akee to make enquiry and upon his information I seized one of the Hongs on the Strand, in which I found a large quantity of the Tin bearing the exact marks, this Tin was identified—upon Akee's information I also traced some more of the Tin to a ship then sailing for Amoy and which had been sold by another Hong.—Akee when he first began the enquiry purchased a pig of the Tin from the first Hong, and the consequence was that he was accused of having given the information to me. I may here state that although the stolen property was found in the Hong, *concealed*, and no entries in the books of its being received, nor could the Hong man give any good account of how he became possessed of it, still he was released—the owner of this Hong is a man of influence among the Bonham Strand people. Again about two years ago two boats were seized by the Police the crews being charged with piracy—during the time the case was being investigated, Tam Achoi compounded the matter with the prosecutor and agreed to pay him a certain sum to settle the matter, giving a bond to that effect—Akee informed me of this and I told Mr. May that such was the case and promised to get the document if possible—I sent Akee to the prosecutor (who was not quite satisfied with the arrangement although obliged to consent owing to Tam Achoi's influence) and induced him to produce the document which was given to the Magistrate—this document stated most clearly that Tam Achoi and another (both parties seals being attached to the document) had agreed to pay a certain sum to compensate the prosecutor and thus settle the matter—I believe Mr. May will remember that although the document was ordered to be put up with the depositions, that it was not to be found—and upon strict enquiry being made it was discovered put away in Tong Akü's desk at the Police Court! nothing however was done even after the document was found, the prisoners as a matter of course were discharged—when Tam Achoi heard that Akee had been to the prosecutor and got him to produce the document he was very angry—and he has since Akee's examination at the Police Court done all he could to injure him in the opinion of both Europeans and Chinese—but it is only over Chinese of his own district that he has much influence, as the people of other districts do not respect him at all.—I think it right that I should also show the animosity of Tong Akü towards Akee—some years ago Tong Akü's brother Tong Achik, was Interpreter of the Police Court, and during an investigation of a case of Piracy certain documents were found which showed that Achik had some connection with the Pirate Chief, a letter being found addressed to him from the Chief begging him to use his influence on behalf of some prisoners, and forwarding Achik a portion of the stolen property—the prisoners referred to were forwarded over to the Chinese Authorities at Cowloong and Akee gave information that Achik had been to that Officer and endeavored to obtain their release—a reference was made to that Officer who stated that such had been the case—an enquiry was held by order of His Excellency The Governor and three Justices of the Peace were appointed for that purpose who recommended either the dismissal of Achik or that he should be called upon to resign. From the time Tong Akü joined the service he has always had a great hatred towards Akee.

In concluding my letter I beg to state that I am sorry it has attained so great a length, but I could not do otherwise than state in full to the Honorable Council every thing bearing upon the case of Wong Akee and upon the statements made by the *China Mail* against him, and I beg respectfully to state that should it appear to the Honorable Members that I have satisfactorily shown that the statements made in the *China Mail* were erroneous and that the Public feeling against this man has been entirely owing to these mis-statements, I trust the Honorable Members will extend toward him the power which they possess of relieving him from his expected banishment from his family; and should it be considered by them that he ought not to remain in the Colony provided such release was extended towards him, he might be required to find bail not to return for a fixed number of years.

I have, &c.,

(Signed) D. R. CALDWELL,
Registrar General.

J. M. D'ALMADA E CASTRO, Esq.,
Acting Clerk of Councils.

(B.)

Report on the examination of the Books and Papers found in the Kwong Yek-loong Hong, and in the house of Wong Akee.

1. A bill of certain arms, such as spear heads, swords, &c., amounting to about \$50.
2. An entry in a book of the payment of \$22 for shot.
3. An entry in another book of the sale of gunpowder to Yee Shai, amounting to £22.
- Another entry in the same book of the purchase of gunpowder, \$2.
4. An entry in another book of the advance, by the Kwong Yek-loong Hong, to the Sun Sam-shing boat of 100 taels.
5. A bill for shot sold the Poo-sen boat, \$12.
6. A bill from Foo-shai, for the sale of one gun to Kee Kee, \$130.
7. An order on the Kwong Yek-loong Hong, to pay \$22 for gunpowder.
8. Two draft receipts from Wong Akee, acknowledging to have received from Mr. Caldwell the sum of \$1,500, on account of Foong-hok-shing.
9. A letter addressed to Wong Akee by Lok Hing, begging him to use his endeavours to obtain the release of a nephew of the writer, and that whatever expense was incurred would be refunded to Akee by the writer.
10. An envelope to the address of Wong Akee, from some person attached to the magistrate's office at Sunoan (*no letter.*)
11. A letter addressed to Wong Akee by the Commandant at Cowloong, regarding Mr. Caldwell going over to that place to restore certain articles which had been brought away by our soldiers.
12. An entry in a book of the sale of two guns to Sye Fong Mok, for \$58.
- Another entry of the loan of two guns to Lan-leong.
- Another of the payment to Mr. Caldwell of \$130, on account of Wong Kum Ming.
- Another of Ts. 232. 5. 6.—or \$323, paid by Ying Kwun to Wong Akee for guns.
13. A note written in English, without address, from Beaver, respecting the taking of coolies to Singapore.

There are also some other papers showing the account of wages paid to Johnson, master of a lorch, and some receipts for interest on money lent Wong Akee; also some accounts connected with the ship "Potomac."

The above are the only items contained in the books and papers which were found in any way connected with the statements made in the "China Mail." All the rest appear to be merely compradore's accounts and transactions relating to passenger ships to California. If the whole of the books and papers found have been forwarded to the Chinese Secretary's office, I cannot imagine what grounds Mr. Dixon could have had for making the statements which he did in his paper of the 17th ultimo.

I beg to state that the examination was conducted in the first instance by Mr. Mongan, assisted by his Chinese clerks, and on anything suspicious being found, it was handed to me, and I took down the particulars, assisted by one of my Chinese clerks.

(Signed) D. R. CALDWELL,
Registrar General.

Victoria, Hongkong, 5 October, 1857.

[No. 19.]

WEDNESDAY, October 7th, 1857.

SIR,—I have the honour to forward a copy of my rough notes in *Regina v. Wong Akee*, and another. The trading was clearly established; the sole question was did the Prisoners at the time they so traded know that the persons with whom they dealt were Pirates.

I have, &c.,

(Signed) JOHN WALTER HULME.

The Hon'ble The ACTING COLONIAL SECRETARY.

CRIMINAL SESSIONS.

WEDNESDAY, 2ND SEPTEMBER, 1857.

REGINA v. 1. WONG AKEE, *alias* MAH-CHOW WONG, *alias* WONG-KUM-KEE, and 2. WONG-AHTOONG, *alias* WONG-CHOI-WAH, *alias* WONG-AHFOONG,—*Confederating, &c., with Pirates.*

The Acting Attorney General addresses the Jury and calls

Lai Ahchoi, who, being cautioned to speak the truth, states:—I recollect the day I was taken into custody on a charge of Piracy, the 16th of July, off Bonham Strand, opposite the Kwong-kin-loong shop at the West end of the Strand. I was taken into custody in this shop. There were nineteen men (crew) in the boat which was lying off the Strand. I was master of the boat. There were arms on board,—6 Chinese cannons, 4 muskets, and several pairs of pistols. We had these arms for defence in case of Pirates. We carried cargo worth thirty thousand Dollars. I was the owner of the boat, having purchased it from the Tai-loong firm. Wong-Ahfoong (the second Prisoner) is the head of that firm. I bought the boat on the 1st of June for Five hundred and thirty Dollars, of which I paid Four hundred and ninety Dollars. I did not receive any money from the Tai-loong shop on the 21st of June. On the 16th of July we had come on a voyage from Sheong-kum. We had a cargo of sugar, &c. The name of the boat was Sam-kum-ling. There were three partners in the boat, Chun Sung Leong, Chong Moon, and myself. The book produced belonged to the boat. It was kept by Wong Achick, a Clerk. (Extracts from this book read.) On the 20th of June I received money from the Kwong-kin-loong shop. (Another book put in.) I and two others who were in charge of this boat on the 27th of May were taken into custody on that day by the Police. We were released about three days afterwards. I had charge of the boat from the 21st of May till the 1st of June, at two dollars per month.

Cross-examined by Mr. Day:—I had heard from Wong Ahfoong that his boat had been taken by pirates in May. It is the custom among Chinese merchants to advance money to Traders to purchase merchandize and consign the same to them. I purchased the sugar in question (one hundred and eighty bags) on the West Coast.

Chung Sing Leong, being cautioned to speak the truth, states:—I remember being arrested on board on the 16th of July. Lai Ahchoi owned this boat. There are four partners in this boat, Wong Ahfoong, myself, Chung-kum-moon, and Lai Ahchoi. The boat was bought on the 1st of June—price Five hundred and thirty Dollars, of which Four hundred and eighty Dollars were paid.

Leong-quang-hee, being cautioned to speak the truth, states:—I was taken into custody on board a boat on the 16th of July. Lai Ahchoi owned this boat. I was not a partner.

Wong Achick, being cautioned to speak the truth, states:—I was arrested on board a boat opposite the Kwong-kin-loong shop on the 16th of July. Ahchoi was the owner of the boat, having bought it from the Tai-loong shop on the 1st of June. Ahchoi and two partners bought the boat. I kept the books belonging to the boat. (Book produced relating to monies for purchase of goods.—Nothing to do with the boat.) (Another book produced relating to receipts and payments—General boat book.)

Boat under repair from the 1st to the 20th of June, when the boat went over to Macao. Money entries gone into.

(The Piracy on the 4th of May admitted. Also the identity of the boat in question as being one of the two boats engaged in the piratical attack on Lorchia No. 29.)

Manoel de Silva, Sergeant of Water Police, sworn and examined.

Charles Bartlett, Police Constable, sworn, states:—The first Prisoner was given into my charge on the 18th of July. He was in a cell by himself. I was guarding him. He sang out three or four times for a Lookong. I went in and asked him what he wanted. He said if I would let him speak to one of the Chinese Lookongs he would give me Ten Dollars. The duty of a Lookong is to keep guard over the cells. I told the first Prisoner it was contrary to my duty to let him speak to any one. He offered me fifty Dollars if I would let him speak to Sam-qui—Mr. Caldwell. He afterwards asked me if I had the keys of the cell and offered me one thousand Dollars to let him escape, and that he would take me over to Macao, and from thence to San-tow, where he had a large house and plenty of money, and could stow me away, so that nobody could find me. I reported this to Mr. Grand-Pré about a quarter of an hour after the Prisoner made the offer. An Indian Constable was passing by and I asked him to keep guard while I went to make the report.

Cross-examined by Mr. Day.

Alexandre Grand-Pré, sworn, states:—The first Prisoner told me that he owned the Kwong-kin-loong shop. I found some sugar there which a man in the shop told me had been landed from a boat lying off the wharf at Bonham's Strand. That is the boat in which the Pirates were taken. I took the books and papers produced in the first Prisoner's shop. There were one hundred and eighty bags of sugar. I took other books and papers besides those produced. I went to this shop before—on the 16th. I saw the second Prisoner coming out of the shop, and asked him what he was doing there. He said he had been there to see a friend about the purchase of some rice. I did not consider this to be a good reply, and took him into custody. He said nothing to me about the sugar. I was at this time arresting the other people in the shop. I saw the first Prisoner at the Police Station on the 17th of July. He had been arrested. It was after his arrest that I saw the two Prisoners together. I asked the first Prisoner if he knew the second Prisoner. He said, yes. He also said that the sugar in his shop belonged to the second Prisoner, who, he said, belonged to the Tai-loong shop. He spoke to me in Anglo-Chinese, that is, broken English. The second Prisoner was close by, and must have heard him. The second Prisoner then spoke to the first Prisoner in Chinese. I don't recollect what he said. I spoke to the second Prisoner also in Anglo-Chinese which he understood. The first Prisoner said to the second Prisoner, "don't be afraid—go up to the Police Court and tell the truth." I was on duty on the night of the 18th of July. Constable Bartlett came to me and made a report of the offer the first Prisoner had made to him.

Cross-examined by Mr. Day:—The one hundred and eighty bags of sugar are still in the custody of the Police, and as far as I am aware no application has been made for them. When I found the sugar in the Kwong-kin-loong shop there was no attempt at concealment—the bulk of it was on the ground floor—the rest up stairs.

(Speaks as to the Papers found.)

THURSDAY, 3RD SEPTEMBER, 1857.

James Jarman, Inspector of Police, sworn, states:—I apprehended the first Prisoner on the 18th of July at his shop in the Central Market. I searched the shop and the house. I found some books and papers in an iron chest—(produced.) I was at the Police Station on the night of the 18th. I heard Constable Bartlett make a report to Mr. May. I afterwards heard him speak to Mr. Grand-Pré. I think Mr. Grand-Pré was present when Bartlett reported to Mr. May. His report was that the first Prisoner offered him Ten Dollars to let him have a Lookong—Fifty Dollars if he would let him see *Samqui*—and one thousand Dollars if he would let him escape.

Eli M. Boggs, sworn, states:—I was arrested in May on a charge of Piracy. I was on board a piratical boat at Lintin a few weeks before this. Lintin is about five miles from this. I saw the second Prisoner on board this boat. He went down, into the cabin. When he went below he sat down and smoked opium with the head Pirate. He then measured the sails which wanted repairs. He took a list of the things that were wanting. He remained on board eight or ten days till we went to Tai-wan. He was on board while we were at Tai-wan. He came on board in a Pilot Boat. This boat was owned by a man named Attai. Attai is not in Gaol. I have not seen a man named Lai Ahchoi in Gaol. When the second Prisoner left us at Tai-wan he went away in the Pilot Boat, and took money with him—Seventeen hundred Dollars to Two thousand Dollars. The boat now in custody of the Police I believe to be one of the boats which used to bring off provisions to the Pirates. I know the first Prisoner—he lives in the Central Market. While at Lintin I saw a boat, No. 575, come off with provisions and two or three coils of rope. There were three or four on board this boat besides the crew. They brought letters. I had seen these men before in the first Prisoner's shop. I have also seen them in Bonham's Strand attending to cargo which was being discharged from a boat. About March we were at Shai-tai—a Boy whom I knew came on board. I had seen him before on board the first Prisoner's Lorch. He complained to the head Pirate that a portion of the piratical fleet had seized a boat belonging to the first Prisoner in which he, the Boy, was. Our chief punished the chief of the other fleet for so doing. Ahlum, a prisoner in gaol, spoke to me about the first Prisoner, and said if I would not appear against him he, Akee, would give me money and clothes. I shortly afterwards saw Akee himself. I asked him if he had told Ahlum to say what he had to me. He replied that he had. I reported this to the Governor of the Gaol. I know a Prisoner of the name of Forrest. He came to me and said that Akee would give me any amount of money not to appear against him. I reported this also to the Governor of the Gaol.

Cross-examined by Mr. Day.

I know a man of the name of Wise. I also know a man of the name of Hadley. I have had a conversation with Wise about this trial, but not with Hadley. I told him what had passed between me and Forrest. I did not ask him to be the means of communication between me and Akee. I did not offer to abstain from giving evidence for Five hundred Dollars.

Cross-examined by Mr. Green, on his Depositions. As to the discrepancy regarding the time the second Prisoner remained on board. Also as to the place from which the money was taken.

Leong Ahchoey, being cautioned to speak the truth, states:—I saw the first Prisoner at the Magistrate's Court. I had no conversation with him. He ask me not to identify Ahchoi, and offered me Two hundred Dollars. He was not in the dock, but on one side.

Louis Segar, sworn, states:—I know Lai-Ahchoi. I remember his being at the Magistrate's Court on the 16th of July. He had been in my custody before this—about the latter end of May or beginning of June. The charge against him was that of Piracy and Murder. I apprehended him. He was afterwards discharged.

Edward K. Stace, sworn, states:—I recollect appearing at the Police Court for three Prisoners charged with Piracy and Murder. This was about the 27th of May. The second Prisoner retained me.

Cross-examined by Mr. Day as to inspection of Documents—Absence of Mandarin chop or Pass—Threat of Boggs to give evidence against Akee unless he received Five hundred Dollars.

Tong Ahü, Interpreter, sworn and examined.

Cross-examined by Mr. Day as to the Discrepancy in Accounts.

Charles May, Superintendent of Police, sworn and examined; gives explanation as to missing documents.

DEFENCE.

Mr. Day addresses the Jury on behalf of the first Prisoner, and calls

Dr. Bridges, Acting Colonial Secretary, who, being sworn, states:—I remember a man of the name of Bancroft who commanded a Lorch, but what Lorch I cannot tell. The name of the Lorch was Ke Long Poan. Bancroft reported to me that he had been conveying one or more Junks, of which one or more had been seized by Pirates and that his Lorch had been blockaded in one of the ports. That eventually he made his escape. I don't remember his saying anything about a Boy.

Daniel Richard Caldwell, Protector of Chinese, &c., sworn, states:—I have heard the evidence of Dr. Bridges. The Lorch in question belonged to me at the time Bancroft had the command. I was present when the report was made to Dr. Bridges. He handed me some letters which he had written two months before, informing me of what had taken place and of his detention down the Coast. (Gives further evidence as to the Report.) It is a universal custom among Chinese Merchants to advance money to traders for the purchase of goods or of bartering. The books which have been produced are of an ordinary mercantile nature. When Constable Bartlett made the Report of Akee's offer, Mr. Grand-Pré was present but not Mr. May. He did make use of the expression *Samqui*. I have had no conversation whatever with the first Prisoner.

Cross-examined by the Acting Attorney General:—

I sold my interest in the Lorch to Akee. This Lorch was taken by the Police two or three months back—Since I had disposed of my share. She was taken because she was supposed to be the Lorch "*Alma*."

SATURDAY, 5TH SEPTEMBER, 1857.

George Henry de Forrest, sworn, states:—I am a Prisoner in the gaol here. I remember being examined before the Magistrate in this case. I know Eli Boggs, who is also a Prisoner. I know the first Prisoner—Akee. I have seen him in gaol. I never carried any communication from Boggs to Akee. I never told Boggs that I had any message from Akee, or that I had had any communication with him on the subject of this case. I never had any communication whatever with Boggs on this subject. I never told him that Akee would—or that I thought he would give Boggs money to abstain from giving evidence in this case. I gave the same evidence before the Magistrate.

George Wise, sworn, states:—I am a Prisoner in the gaol here. I know *Eli Boggs*, who is also a Prisoner. I have never had any conversation with *Boggs* about *Akee*—nor has *Boggs* said anything to me about him.

Mr. Day sums up.

Mr. Green addresses the Jury on behalf of the second Prisoner.

Sale of boat to Pirates no evidence against the second Prisoner unless he *knew* that they were Pirates. *Boggs*, the principal evidence, not to be believed.

The *Acting Attorney General* replies.

VERDICT—*Guilty*—against the first Prisoner by Five Jurors—against the second Prisoner by all the Jurors.

SENTENCE—*Transportation for Fifteen Years*.

(Signed) JOHN, WALTER HULME,
Chief Justice.

[No. 21.]

VICTORIA, HONGKONG, June 4th, 1856.

MY DEAR CAPTAIN PAIPEA.—I have heard that the *Lorcha* "*Cumhop-on*" has now at Anchor in *Intooofuk* a few miles out of Macao, which the two men who were going with you, desired to sell the *Lorcha* to another people; but there is no right for them to do so, because the *Lorcha* I owned one half and they two men owned only one half, how could they sell the *Lorcha* there at once without my order. The bearer of this letter is my brother, and will you be so kind as to sail the *Lorcha* with my brother back to Hongkong, this is what I hope for.

I remain,

Your obedient servant,

(Signed) KEE KEE.

[No. 22.]

No. 58.

OFFICE OF SUPERINTENDENT OF POLICE,
VICTORIA, HONGKONG, 2nd September, 1858.

SIR,—I have the honor to draw your attention to the following matter in connection with the recent Commission of enquiry into charges preferred against Registrar General.

You will perceive upon reference to minutes of evidence that the Commission made particular enquiry relative to certain papers found on the convict *Eli Boggs* at the time of his apprehension and one of which papers is said to have been read or referred to by *Boggs* when making his defence at Supreme Court, after which time the said papers had not been seen.

I beg to enclose herein papers, which, I believe from Enquiries I have made, are those so much sought after. Their discovery was made in the following manner.

An ex-Police Constable, now sick and destitute in Civil Hospital, applied to me for papers deposited in the office of Superintendent of Police at the time of his entering the Force. I, in consequence, gave directions to Mr. Martin, Superintendent's Clerk, to comply with the application. Mr. Martin in making search for the papers in the place appropriated for such documents, found the enclosed envelope, docketed in the hand writing of Mr. Grand-Pré who was Acting Superintendent of Police at the time of trial of *Boggs* and which envelope contained the papers referred to.

I have exhibited the papers to Mr. Grand-Pré who identifies them as the papers of *Boggs*; and from what Mr. Grand-Pré states and the facts of the case, it is almost certain that, at the conclusion of the trial Mr. Grand-Pré took possession and deposited them in the place in which Mr. Martin found them, and that the circumstance of so depositing them altogether escaped Mr. Grand-Pré's recollection.

I have, &c.,

(Signed) C. MAY,
Superintendent of Police.

The Honorable F. FORTH, Esq.,
Provisional Colonial Secretary.

Submitted.—The enclosures, beyond the fact of establishing the discovery of *Eli Boggs*' missing papers, are worthless.

(Signed) F. FORTH,
A. C. S.

September 7th, 1858.

Seen by
(Signed) J. B.
9/8/58.

[No. 23.]

HONGKONG, 21st August, 1860.

SIR,—The following are the questions which I wish to put to the Honorable Mr. Cleverly, in accordance with the permission granted by His Excellency the Governor yesterday.

First, as to whether the report of his evidence contained in the Blue Book of the trial of Regina v. Tarrant is correct—and if not, which portions are incorrect.

Second, whether he did not admit in his reply to a question from Mr. Anstey that had he, Mr. Cleverly, known when he voted for the more moderate finding brought in by the Caldwell Commission, what he had since learnt, he would have voted the other way. [My notes run thus—Q. And had the Commission known then what you have since learnt, would not the finding have been different. A. I cannot answer for the Commission, I can only answer for myself. I should have voted differently certainly.]

I am, &c.,

(Signed) Y. J. MURROW.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

[No. 24.]

No. 52.

SURVEYOR GENERAL'S OFFICE, VICTORIA, HONGKONG,
21st August, 1860.

SIR,—In accordance with the directions of His Excellency the Governor I proceed to give answers to Mr. Murrow's queries, as furnished to you in his letter of this date.

1st I am satisfied with the report of the Trial Regina v. Tarrant as given in the Blue Book, and believe it to be faithfully given in all the material points.

2nd I certainly did *not* admit that, had I known when I voted for the more moderate finding brought in by the Caldwell Commission, what I had since learnt, I would have voted the other way.

I may explain that I have a recollection of saying, at the termination of the trial, *if* a portion of the Mah-chow Wong's papers had been abstracted by any person, with a motive, I should coincide in the opinion of Mr. Mongan, and of every honourable man, that it would have been a contemptible trick; such however was not proved to have been done either before the Commission, or at the trial; but if it had, *then*, for myself, I would admit, "I should have voted differently, certainly," or words to that effect as quoted by Mr. Murrow.

I must add that if I had made such a statement, as quoted by Mr. Murrow, it is singular it was not given in Mr. Tarrant's or Mr. Weatherhead's notes, or as far as I can learn in any of the reports by others at the time; and can only imagine that Mr. Murrow must have misunderstood the question to which my answer referred, or misread the notes to which he alludes.

I return Mr. Murrow's letter.

I have, &c.,

(Signed) CHAS. ST. GEO. CLEVERLY,
Surveyor General.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

[No. 25.]

具稟人 程毓仁 程毓
還 程毓紅 程亞地
梁立泰 阮亞喬 林
鍾玉 黃茂皆 湯亞
添 簡世連等為領給
金沙事緣于舊歲十一
月初二日朝辰刻在急
水門被匪賊打劫下柵
渡失去金沙數伯兩今
蒙得着貴差捉拿匪賊
到案審明公斷案程尚
有金沙存在衙內現金
山客人到案收領乞恩
准給叩稟 大老爺臺
前沾恩切赴 丁巳年
三月初一日當巡捕官
預高露雲交出金沙五
十六兩九錢正又交出
銀三兩九錢正梁立容
梁成子收程平行收蔡
亞必蔡亞利林亞富收
簡在連梁三興梁立泰
陳綏用收
丁巳年二月十六日 稟

Payments on account of 5 houses in Tai-ping-shan.

July 8,	Paid by the hands of Asee,.....	\$200
Augt. 15,	„ to a small boy, ...	100
„ 15,	„ to Afook, ...	16
„ 20,	„ by Asee, ...	30
	„ to Afook, ...	8.50
	„ by Asee, Mex. 25, Rup. 30, Sov. 9, ...	Tls. 54.9.1
	„ to Ake, (in his hands)	„ 92
	„ to Do., (do.)	\$150

CHINESE SECRETARY'S OFFICE,
27th October, 1857.

SIR,—I have the honour to return to you different papers in Chinese taken as I understand from the person of a man named Beaver.

I have translated the most important, which is, in my opinion, a representation from the head of one of those bands of questionable character of which there are great numbers in this neighbourhood, both afloat and ashore, and the members of which arrogate to themselves a status of politician or patriot, while they are, in practice at all events, by no means distinguishable from any other description of pirates.

The writer of this, Tsü-kwei, has clearly intended to convey by the hands of an American, who, he says, is called Charlie, a letter to his brother pirates or politicals to explain to them that his capture of two lorchas, and his surrender of these to the mandarins, was no act of treachery to the cause of the confederacy, but a last resource to preserve the lives of himself and his immediate followers, whose safety was menaced by Ma-tsò-wong, for refusing to restore junks to another confederate from whom in some quarrel they had evidently been wrested by force.

The seizure of these lorchas took place just after the Chinese New Year—26th January last,—and I have no doubt is the same referred to in a deposition of the 10th February forwarded by the Governor of Macao to this Colony. There are besides the letter referred to five slips, such as the Chinese use for visiting cards inscribed thus:—

Fan Tin-shing,
Fan Yat-tsan, a Tai-tui man,
Man Yan-pún, a Pu-mi man,
Chan Kwei-tsik,
Tsü San-kwei, a Nam-t'au man.

The first of these is blocked and sealed. The rest are all in manuscript. The fourth name is too well known to require any observation of mine; but it may very possibly have been placed on a card to give weight to the accompanying statement, without the knowledge of the person to whom it belongs. The name of the fifth, however, I meet twice, once as Tsü-kwei, which is the signature of the statement, and once as it is written on the card, in the correspondence between Chàn-kwei-tsik and his relative seized in Deep Bay by Commodore Elliot on the 4th April last. He is therein named, in letters dated the 21st and 23rd February, as commanding some braves who were dissatisfied with the small remuneration awarded by the San-on Committee for devils' heads.

The leader under whom he shews himself to have acted, by name 'Ng Sin-ying was, if I mistake not, in custody here towards the close of last year. He is named as having been engaged in the Fuh-kien (Amoy) rebellion in a letter purporting to be written by Hung Seu-tsung to Sir John Bowring, which forms Inclosure No. 5 in 51 of Correspondence with the Foreign Office laid before Parliament this year.

I have, &c.,

(Signed,) THOMAS WADE,
Chinese Secretary.

The Hon'ble W. T. BRIDGES, Esquire,
Acting Colonial Secretary.

A REPRESENTATION. (1)

This man (the Bearer?) is an American by name Cha-li (Charlie?) The writer and he became friends some years ago.

On the 27th day of the 9th moon of the seventh (query sixth?) year of Hieng Fung, 'Ng Sin-ying (Wu Sien-ying) made a representation (2) to the Governor of Hongkong, and obtained permission from him to set up the red flag and devise rebellion (or compass sedition) and so forth, at T'ai-shün T'ong (2b). On the flag was written *Kiang-Nan T'ai P'ing T'ien Kwoh* (Celestial Dynasty of T'ai P'ing in Kiang Nan.) 'Ng Sin-ying with a yellow flag was in command, and directed the writer to go to sea and possess himself of ten or more drag-net

(1) The term employed in strictness argues representation to a superior. The affectation of humility common to the epistolary style in Chinese is such that the reader has always some latitude of doubt on this point.

(2) The term employed here is properly to memorialise the Throne. The word *Governor* is the translation of *Tai-ping-t'au*, the great head of the troops, the title usually applied by the Chinese to the chief authority in Hongkong. There has been an erasure here and portions of other characters are indistinctly visible.

(2b) T'ai-shün T'ong is a place on the other side of this harbour, west of Tsim-sha-tsui.

boats. The American accordingly went with the writer and acted *bonâ fide* as a soldier of the Hung. (3). Our fleet had joined those of Yeung Tsz-tung and Wong Ts'un-lit, when there chanced to come to hand a letter written by 'Ng Sing-ying which he had given to Tai-fai-ut (3b) to bring to Sam-shui Mún for the writer [instructing him] as soon as he should have read it to come with Tai-fai-ut and spend the new year at Ling Ting (Lin-tin,) and then to go to sea (4), and in no case to commit piracy on any of vessels of any of the brethren in (or of) the different ports or harbours, nor to have any charge of so doing brought against us.

On the 1st day of the new moon of the seventh year of Hien Fung (26th January, 1857,) the writer had a quarrel with Mo-mi-ma (5) which unfortunately became a serious affair. He, the writer, therefore wrote a note which he desired a person to carry himself to Ma-tsò-wong (6) requesting his instructions. He wrote back to the writer telling him as soon as he should have read the note to put Mo-mi-ma's vessels out of the way (7). But Mo-mi-ma had gone straight to Kwan-tai-lu (Victoria) and had told his story to Ma-tsò-wong, and had promised him if he was able to make Tsü-kwei (the writer) give back the rest of the vessels that he should have \$1,000 for his pains. The upshot of it was that Ma-tsò-wong seeing what language was held by Mo-mi-ma wrote another note to the writer [directing him] as soon as he should have read it to release Mo-mi-ma's vessels. But the writer and his companions (or advisers) bethinking them that no hero (or proper man) having first said this should afterwards turn round and say that, refused to restore them; at which Ma-tsò-wong was so incensed that he forthwith attempted (or wanted forthwith) to send a steamer out to sea to capture all the writer's vessels. The writer and his brethren (i.e. companions or followers) consulted together but could devise no satisfactory measures and having nothing else for it seized two lorchas which they took home or back to the city (8) (of San-on?) and claimed credit [for the capture of the Authorities.]

We had no intention whatever, either the brethren or the writer, of deserting [the cause of] patriotism. We were driven by necessity to act as we did, and we hope that any brethren that read this writing will forgive [our act]. We hope and pray they will forgive it.

The writing of your humble younger brother Tsü-kwei (9).

Translated by

(Signed,) THOMAS WADE,
Chinese Secretary.

(3) The Hung brotherhood is one of the many designations assumed by the Cantonese rebels. The character Hung is the same as that for the surname of Hung Siu-tsiuen.

(3b) Tai-fai-ut means Large, Quick, and Broad; it is evidently a nickname. Sam-shui is said to be outside the Lai-yü Mún.

(4) The passage from the words "go to sea" to the end of the paragraph, which I have included in 'Ng Sin-ying's letter might be rendered with equal justice as part of the statement of Tsü-kwei.

(5) Mo-mi-ma means "the horse without a tail." It is evidently the nickname of a confederate.

(6) Ma-tsò-wong "the groom" is the nickname of a well known character now in custody. His name is Wong Kam-ki, more commonly Wong Aki.

Since this was written I have been informed that Mo-mi-ma and Tai-fai-ut are men of Nam-t'au, both reputed pirates.

(7) To conceal or stow them away.

(8) I take this to mean a district city. Another character is generally used in speaking of the provincial city except by people who reside close to it.

(9) The name of Tsü-kwei occurs twice if not oftener in the papers seized in Deep Bay by Commodore Elliot some months ago; once as Tsü-kwei and once as Tsü San-kwei. The latter is the name on one of the cards seized with the letter herein translated. In the correspondence adverted to he figures as the head of the braves, who were discontented with the amount of remuneration awarded for devils' heads.

[No. 28.]

Commenced 21st November.

Remanded to 24th, 25th.

Warrant No. 196.

to

Concluded 25th November.



C. M. Court, No. 2387.

Warrant, No. 981.

P. Sessions, No.—

Warrant, No.—

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY OF HONGKONG.

Minutes of Proceedings in the Cause in which JOHN ROBERTS, Deputy Inspector of Police, is Plaintiff, and HENRY BEAVER, (23) American seaman, Defendant.

Saturday, November 21st, 1857.

JOHN ROBERTS, Deputy Superintendent of Police, charges Defendant with having piratically boarded a Lorch in the high seas, in the month of December 1856 or January 1857, and plundered her of one 6-pounder gun—prays a remand to Tuesday next, to enable him to summon his witnesses.

Remanded to Tuesday 24th instant.

(Signed) W. H. MITCHELL.

Tuesday, November 24th.

Ho-Asson, master of the pirated lorcha is confronted with prisoner—cannot identify him.

Lee-Acho, examined—cannot identify.

Lum-chak-keng,—cannot identify.

Remanded to 25th,—a Subpoena to issue for attendance of Frederick Peterson, Master of the Lorcha "Queen of the West," now in this harbour.

(Signed) W. H. MITCHELL.

Wednesday, 25th November, 1857.

Frederick Peterson, Master of the "Queen" is confronted with prisoner, mixed up with other prisoners in the prison yard—cannot identify him.

Defendant is held to bail in two sureties of £50 each to be of good behaviour for six Calendar months.

(Signed) W. H. MITCHELL.

[No. 29.]

Commenced 24th October, 1857.

Remanded to 31st inst. Warrant No. 178.

„ Nov. 13th, 14th, 21st.

Concluded 21st November.



C. M. Court, No. 2354.

Warrant, No.—

P. Sessions, No.—

Warrant, No.—

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY OF HONGKONG.

Minutes of Proceedings in the Cause in which DANIEL R. CALDWELL, Registrar General, is Plaintiff; and HENRY BEAVER, 23, of America, Seaman, Defendant.

Saturday, 24th October, 1857.

Daniel Richard Caldwell, sworn, deposes,—I am Registrar General;—from certain documents found on board certain piratical vessels seized by Her Majesty's Naval Forces at Namtow, there is reason to believe that the prisoner was connected with them in committing acts of piracy. I believe that I can produce evidence against the prisoner and apply for his remand. When I apprehended the prisoner yesterday he voluntarily told me that he had been serving on board Chinese vessels but that they were rebels, that he had intended coming to see me. I do not object to the prisoner being admitted to bail upon good security.

Prisoner remanded until Saturday, the 31st October, to be admitted to bail, 2 Householdors £100 each.

(Signed) C. MAY,
A. A. M.

Saturday, 31st October, 1857.

Prisoner in Court.

Cheong Foong She being duly warned,—I am married. My husband is named Cheong-hap-lun, he was master of a fishing boat. On the 22nd December last the vessel was sailing off Ko-chow in company with other fishing boats—6 men crew, my husband's father and mother, four children, two of my husband's brothers and the wife of one of them. At about noon on that day four boats; viz: one a large Tor, a small Tor, and two Sookoo boats made an attack upon the fishing boats—my husband tried to sail away but one of the Sookoo boats fired about ten cannon shot, and my father-in-law and my husband's brother were wounded by the shot,—my husband was standing at the stern of the boat attending the sheets of the main sail, when a shot from a gingall struck my husband on the head and he fell into the sea. I saw him in the sea and noticed blood on his face. We tried to launch the Sampan but it filled with water, and my husband was not picked up,—the boat was more than a mile distant from shore and I have not seen my husband since, he must have been drowned—my boat hove to when my husband fell over board and the Sookoo boat from which the gingall was fired ran alongside,—before closing throwing three stinkpots on board which fell and exploded in the main hold, no one received any injuries, my hair was slightly burnt,—when the pirates' boat was closing three of my crew got into the Sampan bailed her out and rowed away making their escape,—the others of the crew and my relatives made no resistance and ran down below,—the Sookoo pirates' boat ran alongside, the same from which the gingall had fired, and about twenty men boarded armed with swords and shields and took possession of the boat,—the next morning two Europeans came on board the defendant being one of them,—the defendant had an iron fighting implement in his hand, the other European had whisks, and told the crew not to touch anything of my clothes,—the defendant and the other European came alongside in a Sampan I saw them came from the large Tor boat.

Remanded for re-examination on Friday 13th November.

(Signed) C. MAY,
A. A. M.

Friday, 13th November, 1857.

Remanded to 14th instant.

(Signed) W. H. MITCHELL.

Saturday, 14th November, 1857.

Remanded to 21st, the witnesses being still absent.

(Signed) W. H. MITCHELL.

Saturday, November 21st, 1857.

The witnesses produced in this case are confronted with the defendant mixed with several other prisoners in the Jail yard, and are unable to identify him.

Defendant is discharged.

(Signed) W. H. MITCHELL.

昨日接來 仁兄之信一切照我實情抄來祈爲明白便是事因舊年十一月十三日范四幫船由甲子載客計壹百二十五名於十一月十五日抵香港被學佬溫亞福者去報大館老更羣出差拿獲即送巡理廳 麥左大老爺審訊有古老二傳話連審數日判明釋放廿三日古老二即叫船主范四幫到大館幫辦一仝帶去領回客人一百二十五名求借我行居住當時我已力辭惟是船主與我深交多年情上難却只得許住數天有客頭周娘勳吳亞德等情愿每日補回食用銀十兩當場兌銀三十兩交我廣福行收有部可據有人可証至廿九日范四幫將自願返回甲子者得七十五人載回原籍其餘四十五名則有客頭周娘勳吳亞德作主意欲與該客過澳搭船往檳榔島故於十二月初二日請船過澳稱說僑寓萬成行不意初八日有劉二安來報說道該客到澳其客頭已賣猪仔十餘名在新福泰行我聞此言即於初八早過澳查訪無着我即報知和記行和生行與馬古士等今可爲証斯時我在和生行因有好友相留故住至十二日方回廣福行也至吳亞雙原係吳亞德之堂弟平日係爛匪之徒由甲子來港欲借我行寄寓我堅拒不從所以懷恨在心串人來害我耳迨至十二月突有蘇廣才吳亞雙來廣福行連日炒鬧禍因黃亞明告我欠他銀二百七十三元在巴臣狀師出花 紙來帶我上錢賬監至廿七日楊保等向巡理廳未士美老爺案前保我出來三點鐘時候我回到廣福行適遇三貴廣才等着人到行稱說此行係馬草王的我聞此言大爲駭異後各伴對我說明係吳亞雙因借不遂故拉蘇廣才到三貴處告我賣猪仔案等情廿六日將我表弟盧亞五拿去大館至五點鐘我即到館保他幫辦云欲保此人可問過三貴乃得我即到三貴家中候至七點鐘方得見三貴面他便說有人告我賣猪仔案即拉我到館至廿九日帶到巡理廳交 麥左老爺審訊交我入大監至今年正月初六日覆審據三貴說他親到澳門查明帶回証人猪仔四名不敢証我只吳亞雙與我素不相識之關亞華二人証我此係三貴廣才攪他作証的連審至正月十一日放出我表弟盧亞五至十八日三貴又到巡理廳叫差帶我出去審訊定奪過割至正月三十日 按察大人開審三貴証我所說過澳查沈興名字該客係我廣福行帶過澳門等情及吳亞雙一人証我所以大人辦我坐監四年之苦此事百凡皆由三貴廣才害我之故耳情因我廣福行上日係金裕隆底馬草王之妻原有股份其行係馬草王沈興經手建造的當日議定行價銀貳千五百員係我親帶此銀到三貴家中與三貴之妻亞有面交與馬草王之妻蘇氏手收故此三貴叫我領回此舖別做生理因馬草王同三貴相好深交自馬草王充軍之後其妻蘇氏凡事皆靠三貴作主故此今日蘇廣才吳亞雙二人得倚馬草王之妻暗計害我借刀殺人所以借此賣猪仔一案告我充軍他便于中取事奪我廣福行之舖底今廣福行家伙什物數部等項皆被蘇廣才三貴盡行担去又將行內貨底喊了夜冷此事皆出自三貴與馬草王之妻主意以謀害我也再者澳門賣猪仔一事若求証人可寫信到和生行便有各行與我作証至當日吳亞雙蘇廣才到我行索借不遂亦有何二老林宏昌二人目擊其事此二人現住長順發利榮華店俱在上環海邊近水練館之側向此二人一問便知我之冤枉也但吳亞雙已回甲子蘇廣才則向馬草王之妻家中一問便知 范四幫甲子人他船來港人住東興街合興店古老二住宋地保處巡理傳學佬話諸事澳門請問和生行鄭宅三馬古士便知我是好人即香港各舖戶亦皆知沈興係好人隨便訪問都可也但吳亞雙周娘勳係客頭帶三十餘人往檳榔島去矣又有一甲子人宋亞興此人在四十五名之內所賣猪仔十餘名皆由此人主意宋亞興周娘勳吳亞德三人在內共四十五人此三人亦同往檳榔島去矣

On the 6th December last Fan See-pong's junk sailed with 125 passengers from Kap-tsze and arrived in Hongkong on the 8th December.

The man who gave information to the Police Station was named Wan Afook, a native of Hoy-fung or Luk-fung. Mr. Mitchell was the Magistrate who examined this case.

Koo-low-ye was an interpreter of the Hoy-fung and Luk-fung dialect of this case.

I was not willing to lodge those men but Captain See-pong was an old friend of mine and through his influence alone that I admitted the men into Kwong Fook-hong, and the Head men Chow Neang-fung and Oong Atuk agreed to pay me 10 taels of silver for their board and lodging per day, and 30 taels was received on the very first day. The books of Kwong Fook-hong will show the entry of the 30 taels.

After See-pong took 75 of the men to Kap-tsze. The Head men Oong Atuk and Chow Neang-fung determined to go to Macao to search a passage for them to go to Singapore.

When I was in Macao I lived in the Wo-sing hong for 5 days and I spent the rest of my time in Macao among many of my friends.

Oong Atuk and Oong Aseang are cousins.

The Kwong-fook hong was named Kum Yü-loong before, and Mah-chow Wong's wife had a share of it, and the shop was built by Mah-chow Wong himself and for the Kwong-fook hong I have paid \$2,500 to Mah-chow Wong's wife.

When I have a transaction with Mah-chow Wong's wife I was directed to go to Sam-kwei's house and speak to Sam-kwei's wife Ayow. So when I paid Mah-chow Wong's wife money I only paid it into Sam-kwei's wife's hand. Sam-kwei advised me to take Mah's share of the Kum Yü-loong when Mah-chow Wong was found guilty at the Supreme Court. I cannot write all about these affairs, in short they want to get me transported so that they will get back Mah's shares, after I have paid for.

As to the Macao witnesses you can write to Macao Wo-sing hong and you will find all the particulars. Ho-low-ye and Lum Wing-chong of the firms Cheang-sum-fat and Wing-wa, will be able to testify that both Oong Aseang and Su Kwong-tsoy came to my shop and asked me to lend them money.

Oong Aseang is gone back to Kap-tsze.

You can ascertain from Hop-hing shop in Tung-hing street whether Captain Fan See-pong is in the Colony.

Su Kwong-tsoy and Oong Aseang very often came to my shop together.

On the 16th Jan., one Wong Aming employed Mr. Parsons, to sue me for \$273. I was arrested and put into the Debtor's Gaol, and on the 19th Jan. I was bailed out by Yeang-po and other. I came out of prison about 3 o'clock in the afternoon of that day. When I came to my shop, I found that Sam-kwei and Su Kwong-tsoy sent message to my shopmen and claimed that the shop belonged to Mah-chow Wong. My shopmen also told me that Oong Aseang and Su Kwong-tsoy falsely accused me of having a kidnapping affair, and they took my cousin Loo Aoong to the Police Station in the preceding day.

I went to the Police Station about 5 p.m. on the 19th and tried to bail out my cousin Loo Aoong. The Inspector of the Police told me, that if I want to bail out Loo Aoong, I must get Sam-kwei's consent. So I went to Sam-kwei's house about 7 p.m. Sam-kwei told me that some person accused me of kidnapping. He took me to the Police Station and there I was detained until the 21st. I was examined by W. H. Mitchell, Esquire, and committed to take my trial at the Supreme Court. The witness Quan Awa against me in the Court I know nothing about him, Sam-kwei and Su Kwong-tsoy must have employed him to bear witness against me.

Koo-low-ye is living with Se-po Sung Atsai, he is an interpreter of the Hoy-fung and Luk-fung dialect.

Please write to 鄭宅三 Tsang-chak-sam of Wo-sing hong and Mr. Marques of Macao about me.

Oong Atuk and Chow Neang-fun were head men of the emigrants, they went to Singapore with the 32 men. These two head men and one Sung Ahing were included in the number of the 45 persons that went to Macao. Sung Ahing is also gone to Singapore.

VICTORIA, HONGKONG, 24th September, 1860.

SIR,—I had the honor to receive on the 22nd instant verbal instructions from His Excellency The Governor in Executive Council to make certain enquiries on the subject of the occupation at the present time of the premises formerly known as the Kwong-yek-loong Hong; and farther to ascertain if upon the occasion of a man named Sum Ahing connected with that Hong being apprehended (in January last,) upon a charge of kidnapping, that after the apprehension, Mr. Caldwell accompanied by a Police Constable had taken away from the Hong the books and papers belonging to Sum Ahing.

I beg to state for the information of His Excellency and the Honorable Council, that on the first point I have ascertained the following particulars: the Hong in question is now occupied as the Loong-sung-tye Hong, and is with some trifling alterations in the same condition as when seized by Police in connection with the charge of "confederation with pirates" brought against "Wong-Akee alias Mah-tsow-wong," the assumed owner of the Kwong-yek-loong Hong in July 1857.

The premises are of three stories and situated at the extreme west end of Bonham Strand,—are well built and probably the erection cost twelve hundred dollars.

I saw a man giving his name as Look Ayow, who said he was partner in the Hong, the principal being Le-yuen-low, that the business had been established three or four months, that it had no connection with the former occupant Sum Ahing who was altogether unknown to him, that he did not know the owner of the land or premises, the person to whom rent was paid being N'gi-koong-Sow (the usual name by which Asow the road Surveyor in the Surveyor General's department is known).

In consequence of this information I saw Asow who in reply to my questions told me, that he had collected the rent of the premises alluded to, for more than two years, having been employed to do so by a friend named Low Ahshuey who at the present time was absent from the Colony, that he Asow *did not know who was the registered owner of the land* or who received the rent of the house from Low Ahshuey, that the latter had told him the owner of the house owed him money and he got the rent as interest on that money. Asow stated that he commenced to collect the rent on the 1st of the 12th month of the 7th year (15th January, 1858) at which time Sum Ahing carried on business as the Kwong-yek-loong Hong, which name he subsequently changed to the Kwong-fook-loong, that Sum Ahing's rent was \$50 per month, but he got very much in arrears and when he was apprehended about the period of last New Year (20th January, 1860) he owed *more than eight hundred dollars rent*, of which none was recovered, as after the apprehension of the master the other persons connected with the business absconded, and from that time until the occupation of the premises by the Loong-sung-tye Hong on the 1st July 1860 the premises were unoccupied.

I asked Asow to produce the rent books and he did so; from these I made a memorandum of the entries (as translated by Asow,) I enclose this memorandum.

Asow stated that Sum Ahing had promised to pay the arrears of rent when he obtained a new partner who would purchase into the business.

I asked Asow if he knew any one named *Wong Acheong* in connection with the premises or land, and he positively asserted *that he did not*.

I have ascertained from a reliable source that Mah-tsow-wong has a son about eleven years of age, who with his mother reside in a back Lane at Queen's Road west, and that the son's name is "*Wong Acheong*."

On the second point of the enquiry I have ascertained from the Inspector of Police who took the charge, and a Constable who took Sum Ahing from Mr. Caldwell's house, that they know nothing about any papers or books being seized, and there is nothing mentioned in the depositions or on the Charge Sheet of any papers or books. I have however been unable to find any of the shopmen or relatives of Sum Ahing.

I have, &c.,

(Signed) C. MAY.

L. D'ALMADA E CASTRO, Esq.,
Clerk of Councils.

Memorandum—Enclosure to letter dated 21st September.

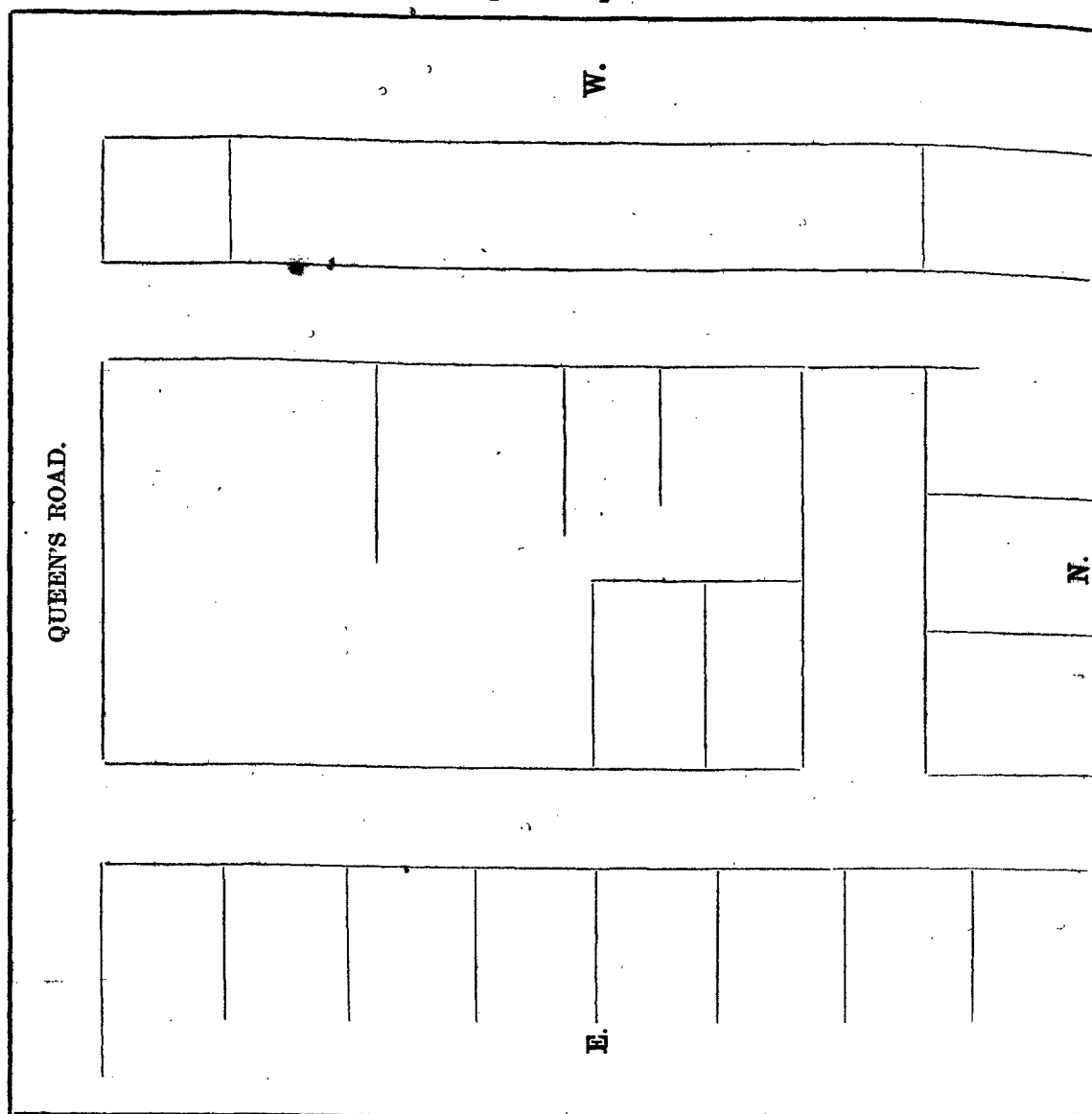
Entries in a rent book bearing the Stamp of the Kwong-yek-loong Hong on the cover, and similar Stamps to the respective payments.

						Corresponding with
15th	day	12th	month	7th	year	\$25 29th January, 1858.
20th	"	"	"	"	"	25 3rd February, "
16th	"	1st	"	8th	"	50 1st March, "
17th	"	2nd	"	"	"	50 31st " "
18th	"	3rd	"	"	"	50 1st May, "
14th	"	4th	"	"	"	50 26th " "
11th	"	5th	"	"	"	50 21st June, "
17th	"	6th	"	"	"	25 27th July, "
8th	"	10th	"	"	"	50 13th November, "
4th	"	12th	"	"	"	25 7th January, 1859.

Entries on a rent book bearing the Stamp of the Loong-soong-tye Hong.

15th	day	5th	month	10th	year	\$45 July 3rd, 1860.
16th	"	6th	"	"	"	45 August 2nd, "
19th	"	7th	"	"	"	45 Septemder 4th, "

(Signed) C. MAY.



ILLMO. SNR.—Remetto a copia authentica do depoimento das testemunhas indicadas por V. Sa. no seu Officio datado de 20 do corrente mez, na forma requisitada por V. Sa.

Deos Guarde a V. Sa., Macao, 24 d'Abril de 1860.

Illmo. Snr. LOURENÇO MARQUES,

Procurador da Cidade.

O Juiz de Direito de Macao,
AUGUSTO HENRIQUE R. CARVALHO.

ASSENTADA.

Aos vinte e hum dias do mez d'Abril de mil oito centos e secenta annos em Macao e Casas de Residencia do Snr. Juiz de Direito, o Dr. Ribeiro Carvalho, presente elle Ministro comigo, Thomas d'Aquino Migueis, Escrivão do seu cargo, comparecerão as Testemunhas indicadas pelo Procurador da Cidade no seu Officio dirigido ao dito Ministro em vinte do corrente mez previamente intimadas, as quaes forão inquiridas pelo dito Ministro da maneira seguinte. Em fé do que fiz este Termo eu, o dito Escrivão, o escrevi.

Testemunha 1ª.—Caetano Gomes da Silva, natural de Gôa, cazado, testemunha jurada aos Santos Evangelhos, de idade de quarenta e dois annos, Primeiro Tenente do Batalhão de Macao, e de costume nada. Perguntado pelo contheúdo da Narração a f —, disse, que pelo que tem presenciado na Procuratura, e o que ouviu a José Fernandes, sabe, que o que contém na refferida Narração he veridica, e mais não disse; e sendo-lhe este lido o achou conforme, e se assignou com o dito Ministro e comigo, o dito Escrivão, que o escrevi. (Assignados) THOMAS D'AQUINO MIGUEIS—RIBEIRO CARVALHO—CAETANO GOMES DA SILVA.

Testemunha 2ª.—Florentino Antonio dos Remedios, natural de Macao, cazado, testemunha jurada aos Santos Evangelhos, de idade de trinta e nove annos, Primeiro Lingua da Procuratura, e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse, que por ter ido com o refferido Procurador e presenciado, sabe que he verdadeiro o contheúdo da refferida Narração, desde as palavras seguintes: “Apezar de ser esse dia o do anno novo China” até “Entrada do dito Estabelecimento no Campo de Santo Antonio,” e mais não disse; e sendo-lhe este lido, o achou conforme e se assignou com o dito Ministro e comigo, o dito Escrivão, que escrevi. (Assignados) THOMAZ D'AQUINO MIGUEIS—FLORENTINO ANTONIO DOS REMEDIOS—RIBEIRO CARVALHO.

Testemunha 3ª.—Francisco Borjes da Luz, natural de Macao, de idade de cincoenta e tres annos, solteiro, testemunha jurada aos Santos Evangelhos, que vive de sua agencia, e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse, que por ter presenciado, sabe, que o que a dita Narração contém he veridico desde as palavras “Estabelecimento no Campo de Santo Antonio” até o fim da mesma Narração, e mais não disse; e sendo-lhe este lido o achou conforme e se assignou com o dito Ministro e comigo, o dito Escrivão, que o escrevi. (Assignados) THOMAZ D'AQUINO MIGUEIS—RIBEIRO CARVALHO—FRANCISCO BORJES DA LUZ.

Testemunha 4ª.—Delfino Xavier, natural de Macao, de idade de quarenta e nove annos, cazado, jurado aos Santos Evangelhos, segundo Lingua da Procuratura, e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse, que por ter presenciado e assistido ao exame, sabe, que he verdadeiro o contheúdo da mesma Narração desde as palavras “Sendo-lhes interrogado tambem” até o fim, e mais não disse; e sendo-lhe este lido, o achou conforme e se assignou com o dito Ministro e comigo, o dito Escrivão, que o escrevi. (Assignados) THOMAZ D'AQUINO MIGUEIS—RIBEIRO CARVALHO—DELFINO XAVIER.

Testemunha 5ª.—João Antonio Nunes, natural de Macao, jurado aos Santos Evangelhos, de idade de quarenta e nove annos, cazado, que vive de sua agencia, e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse, que por ter visto, sabe, que no dia do anno novo China (22 de Janeiro do corrente anno) o Procurador da Cidade, Caldwell, e Florentino Antonio dos Remedios forão ao Estabelecimento dos Colonos Chinas da Rua do Hospital, aonde elle testemunha estava então empregado, em procura de certos Chinas, e como não os achassem forão-se embora; e nada mais sabia a este respeito; e sendo-lhe este lido o achou conforme e se assignou com o dito Ministro e comigo, o dito Escrivão, que o escrevi. (Assignados) THOMAZ D'AQUINO MIGUEIS—RIBEIRO CARVALHO—JOÃO ANTONIO NUNES.

Testemunha 6ª.—José da Fonseca, natural d'Arcos, de idade de trinta e seis annos, solteiro, que vive de sua agencia, e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse, que por ter sido guarda do Estabelecimento do Hospital, e por ter ouvido publicamente dizer, sabe, que o contheúdo da mesma Narração he veridico, e elle testemunha presenciou o que passou no refferido Estabelecimento do Hospital, e mais não disse sob o juramento que prestou; e sendo-lhe este lido o achou conforme e se assignou o dito Ministro comigo, Escrivão, que o escrevi, não assignando a testemunha por não saber escrever. (Assignados) THOMAZ D'AQUINO MIGUEIS—AUGUSTO HENRIQUE RIBEIRO DE CARVALHO.

Testemunha 7ª.—José Fernandes, natural de Gôa, solteiro, jurado aos Santos Evangelhos, de idade de trinta e nove annos, que vive de sua agencia e do costume nada. Perguntado pelo contheúdo da Narração a f—, disse ser veridico o que n'ella se contém desde as palavras “Porém um Portuguez” até “e elle assim o fez,” porque elle Testemunha conhece bem o refferido China e tratava com elle, tanto assim que lhe cortou as unhas de mão uma vez quando elle Testemunha era guarda no Estabelecimento dos Colonos Chinas na Rua do Hospital, aonde o mesmo China entrava e sahia á sua vontade, e foi elle mesmo quem disse a elle Testemunha, que elle China era Corretor d'aquelle Estabelecimento, e mais não disse; e sendo-lhe este lido o achou conforme, e não se assignou por não saber escrever assignando o dito Ministro comigo, Escrivão, que o escrevi. (Assignados) THOMAZ D'AQUINO MIGUEIS—AUGUSTO HENRIQUE RIBEIRO DE CARVALHO.

Conforme,

(Assignado) THOMAZ D'AQUINO MIGUEIS,
Escrivão do Juizo de Direito.

(Translation.)

On the twenty-first day of April of the year eighteen hundred and sixty, in Macao, at the residence house of the Chief Justice, Dr. Ribeiro Carvalho, where being present the said Magistrate and myself, Thomaz d'Aquino Migueis, Clerk to the said Chief Justice, appeared the witnesses indicated by the Procurador of the City in his official letter, addressed to the said Magistrate on the twentieth instant, who were previously intimated, and were inquired by the Magistrate in the following manner: In witness whereof, I made the present statement, I the Clerk, who wrote it.

1st Witness.—Caetano Gomes da Silva, a native of Gôa, married at Macao, forty-two years old, first lieutenant of Macao garrison, being duly sworn on the Gospel, and interrogated about the contents of the Procurador's Narrative at page —, declared: that from what he has seen at the Procurador's office, and heard from José Fernandes, he knows, that what is contained in the said Narrative, is all true, and on being read this declaration to him, he found it correct, and signed it with the said Magistrate and myself, the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS—RIBEIRO CARVALHO.—CAETANO GOMES DA SILVA.

2nd Witness.—Florentino Antonio dos Remedios, a native of Macao, a married man, thirty nine years old, first Linguist of the Procurador's office, being sworn on the Gospel, and interrogated about the contents of the Procurador's Narrative at page —, declared: that for having been with the said Procurador, and have witnessed the case, he knows, that the contents of the said Narrative are true from the following words: “Notwithstanding being that day the Chinese New Year” till “At the entrance of the Barracoon at the Campo de Santo Antonio,” and on being this declaration read to him, he found it correct, and signed it with the said Magistrate, and myself the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS—RIBEIRO CARVALHO.—FLORENTINO ANTONIO DOS REMEDIOS.

3rd Witness.—Francisco Borges da Luz, a native of Macao, bachelor, fifty-three years old, being sworn on the Gospel, and interrogated about the contents of the Procurador's Narrative at page —, declared: that for being present on that occasion, he knows, that what is contained in the said Narrative, from the following words: "Barracoon in the Campo Santo Antonio" till the end of the same, it is all true; and on being this declaration read to him, he found it correct, and signed it with the said Magistrate and myself, the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS.—RIBEIRO CARVALHO.—FRANCISCO BORGES DA LUZ.

4th Witness.—Delfino Xavier, a native of Macao, forty-nine years old, and a married man, Linguist to the Procurador's office, being sworn on the Gospel, and interrogated about the contents of the Procurador's Narrative at page —, declared: that being present and having been employed at the examination, he knows, that the contents of the said Narrative are true from the following words: "On their being interrogated" and also till the end of the same, and on being this declaration read to him, he found it correct, and signed it with the said Magistrate and myself, the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS. RIBEIRO CARVALHO.—DELFINO XAVIER.

5th Witness.—João Antonio Nunes, a native of Macao, forty-nine years old, and a married man, being sworn on the Gospel, and interrogated about the Procurador's Narrative at page —, declared: that for having seen, he knows, that on the day of the Chinese New Year (22nd January of this year) the Procurador, Caldwell, and Florentino Antonio dos Remedios, went to the Barracoon of the Chinese Emigrants in the Hospital Street, where he the witness was there employed, in search of certain Chinese, and as they could not find them, they went away; and said also that he knows nothing more about this affair, and on being this declaration read to him, he found it correct, and signed it with the said Magistrate and myself, the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS.—RIBEIRO CARVALHO.—JOÃO ANTONIO NUNES.

6th Witness.—José da Fonseca, a native of Arcos, bachelor, thirty-six years old, being sworn on the Gospel, and interrogated about the Procurador's Narrative at page —, declared: that for being one of the guards of the Hospital Barracoon, and from what he has publicly heard he knows, that the contents of the said Narrative are true, and this also because he the witness had been present to what has occurred at the said Hospital Barracoon, and on being this declaration read to him he found it correct, and the said Magistrate signed it and myself, the Clerk who wrote it, and the witness did not sign it for not knowing to write. (Signed) THOMAZ D'AQUINO MIGUEIS.—AUGUSTO HENRIQUE RIBEIRO DE CARVALHO.

7th Witness.—José Fernandes, a native of Goa, bachelor, thirty-nine years old, being sworn on the Gospel, and interrogated about the Procurador's Narrative at page —, declared: that it is true what it contained in the said Narrative from the words "But a Portuguese" till "and so he did," because he the witness knows well the said Chinaman, and was acquainted with him, so that he had once cut his hand nails, when he the witness was one of the guards of the Barracoon of Chinese Emigrants in the Hospital Street, where no Chinaman was allowed to go in or out at his pleasure, and that it was he the said Chinaman, who told him (the witness) that he the Chinaman was a broker of the said Barracoon, and on being this declaration read to him he found it correct, and as he could not write the said Magistrate signed it and myself, the Clerk who wrote it. (Signed) THOMAZ D'AQUINO MIGUEIS.—AUGUSTO HENRIQUE RIBEIRO DE CARVALHO.

True copy,

(Signed) THOMAZ D'AQUINO MIGUEIS,
Clerk to the Chief Justice.

[No. 35.]

Extract from Mr. Davies' letter to Mr. Murrow dated 16th July, 1860.

"A scamp he [Assow] is and was no doubt. But as to the truth of his evidence in the matter of Shap-lok there is no manner of doubt."

True extract,

(Signed) Y. J. MURROW.

[No. 36.]

Hongkong, 19th July, 1860.

SIR,—I conceive it to be my duty to make His Excellency the Governor acquainted with the following circumstances, which I had hoped would have come to his knowledge through a different channel.

Early last March I was placed in possession of information which led me to the belief that there were circumstances connected with the prosecution of Shun-ahing, who was convicted at the Supreme Court on the 21st February last for kidnapping, which reflected doubt on the justice of his sentence, and which also bore directly on another subject which has for so long a time vexed the press of this Colony.

The enclosed is a translation* of Shun-ahing's version of the affair. I have been unable to test the truth of all this; but of the connexion with Mah-chow Wong there is no doubt. I have also ascertained that the man Su-kwong-tsoy named by him, is Mah-chow Wong's wife's brother.

Shun-ahing's story may appear irreconcilable when compared with his defence, but there are circumstances which I forbear to mention, but which I have suffered from the effects of, that fully explain the discrepancy to my mind. Yet I may state that had I not been deprived of legal advice in the late suit of libel instituted against me, the Chinese witnesses named by Shun-ahing might have come forward.

I further enclose the *Daily Press* of 8th March last, and respectfully call especial attention to the Procuradore's Narrative therein contained. This unexpected and strong corroboration of my previous information could hardly fail forcibly to impress me with a confirmation of its veracity. Two of the Portuguese witnesses named by the Procuradore are now here, and my object in now writing is to place them at the disposal of the Governor in case His Excellency should deem fit to enquire further into Shun-ahing's case.

In conclusion I trust to be excused for stating that the Procuradore's Narrative seems to be singularly borne out, by the demand and payment of the money required for the coolies released. And further, I cannot conceive it possible that forty-five coolies bound for Capchi would allow themselves to be conveyed due West, and then made captives *after what had occurred here* in the manner described at the trial. Neither can I comprehend, how Ahsoong the principle witness, (who it will be observed Shun-ahing names as having come to his shop with Mah-chow Wong's wife's brother) could possibly have become acquainted with the localities of the Macao barracoons, from the knowledge he had acquired from being kidnapped in one of them.

I am, &c.,

(Signed) Y. J. MURROW.

To the Honorable W. T. MERCER, Esq.,
Colonial Secretary.

Daily Press, 8th March, 1860.

We have received the following letter and narrative from Mr. Lourenço Marques, the Procurador of Macao, in relation to his official connexion with the kidnapping case tried at the last Criminal Sessions of this Colony. A perusal of this correspondence will illustrate two important points which constitute a portion of our creed and belief in matters Chinese. First, the cruel absurdity of officially obtaining the assent of coolies to these Havana labor contracts whilst the poor victim is in the hands of his enslavers—and secondly, the disrepute which the Government of this Colony brings upon itself in employing Mr. Caldwell to obtain information wherewith to attain the ends of justice.

Regarding the first point, the Procurador must surely now be convinced, that he has been for years made the tool of these Cuban kidnappers—that the assent before him of the coolie to the contract, which was meant as a check upon fraud, and which in fact forms the ceremony which consigns the victim to slavery; has indeed been a “mockery, a delusion, and a snare.” The refusal before the Procurador simply restores the victim into the hands of his captors that more torture may be inflicted to obtain compliance the next time he shall be brought before that functionary. Mr. Caldwell's China friend the informer was clearly a *false witness*, and Mr. Marques by his explanation entirely sets himself at rights with the public in so far as this case is concerned *per se*—indeed after such palpably false testimony, the Procurador would have been quite justified in refusing his interference *in toto*, and how in all the world it could ever have been expected that he would cause the coolies to be given up under such circumstances without the payment of the money advanced, is rather more than we can imagine.

On the other hand however, Mr. Marques does not deny that the forty odd coolies, whom Mr. Caldwell and his native friend came to recover, were kidnapped under the circumstances named on the trial. He admits that some of them had left for Havana per *Emilie Pereira* before Mr. Caldwell's visit to Macao—he states that three of them had escaped, and yet all of them had assented to the contracts when officially interrogated before him! This surely should open the Procurador's eyes to the fact that when coolies are brought before him they are in duress and in terror, and are not free agents. Does he not know that precisely under similar circumstances, entire cargoes of these unfortunate wretches assented to their contracts before the U. S. Consul at Whampoa—and that other entire cargoes, when released from the thrall of the kidnapper, refused to go to a man! Does he not see that the Macao barracoon system is and has long been the mart of the kidnapper without which the trade could not possibly exist? Nay, but we do not exaggerate a hair—would it ever have entered into the minds of any of the kidnappers who have fallen into the hands of the authorities of this Colony, to have embarked into the transactions they did, but for the facility with which the unwary can be inveigled into the Macao barracoons, and the certainty of their meeting with a sale when once the portals of the trap had closed on them. It is a regular hard cash transaction—there is no occasion to wait until the juggle before the Procurador shall be performed. “Give him to us,” say the Barracoon people, “we will put him through, we only want the live coolie.”

If the Procurador had made a practice of telling the coolies when they came before him to give their assent to the contract, that should any of them have been inveigled or kidnapped, such victims should not be delivered back into the hands of the men who brought them there, but should be kept in safety and left to return to their native villages on their friends coming to fetch them—that all parties concerned in their abduction should be prosecuted, and, if convicted, punished—and that any ill treatment in the barracoon should be punishable with the utmost rigor of the law. This would have as utterly destroyed the coolie slave trade at Macao, as late events did at Whampoa.

Secondly.—As to the disrepute which the employment of Mr. Caldwell in procuring evidence to accelerate the ends of justice brings on the government of this Colony. The discrepancy between the Procurador's narrative of this case, and the evidence given at the trial at the Supreme Court, (which evidence was entirely “got up” by Mr. Caldwell) is absolutely appalling. No one who knows Mr. Marques, or who has acquaintances at Macao, will question his veracity for one moment. We know not stronger words than those used time and again to stigmatize the public career of Mr. Caldwell—we are sick and tired of the subject. If his acts were reconcilable to probity, or if his conduct could be explained, there might be a difference of opinion regarding him. This we submit to be almost impossible, and yet he is allowed to remain in a most responsible position—to form the connecting link, and to be the medium of communication between the British authorities, and the native population, who it is most desirable should be taught to respect our rule and revere our institutions. The employment of such a man has naturally cast a stigma on the government which sustains him. His name has been intimately associated with most notorious ruffians—his acts have been blended with extortion and perjury until the press became a nuisance from the repetition of them. Still the Government not only tolerate him but apparently sympathise with him for the attacks made on his public acts by the press. His great power of offence consists in the thrall of which he holds the Chinese population, who bear him in such dread, that they cannot be induced to give evidence against him. The secret of this power has been attributed to his adroitness in trumping up cases against such as may fly in his face, and in obtaining false testimony to convict them of some crime real or imaginary. Over and over again has the Magistrate's Court of this Colony been the arena for these

* This Enclosure will be found printed at page 24 [No. 31.]

practices—repeatedly have they been denounced by the press, and not unfrequently animadverted on by the bench—but in vain. The man belongs to the Bridges party of our administration and so long as that is potent, he is secure.

This affair now before us is another case in point. In juxtaposition to Mr. Marques' narrative we place the evidence of Mr. Caldwell and his Chinese friend, taken from blue nose's issue of 23rd February. It would seem that Mr. Caldwell took with him to Macao a man named *Ah Soong* for the purpose of releasing a number of kidnapped coolies, of whom *Ah Soong* averred he had been one, but had made his escape. It was incontestably proved by the Procurador at Macao, before Mr. Caldwell's face, that so far from *Ah Soong* having been one of the kidnapped, he was actually one of the brokers concerned in the man stealing transaction, and there being a quarrel about the division of the spoil *Ah Soong* had turned informer. Yet after all this, Mr. Caldwell brings *Ah Soong* up before the Supreme Court and allows him to repeat the testimony which he knew was false—nay more, he gave testimony himself which was not only entirely silent upon the important points named in the Procurador's narrative but in some points antagonistic to it. The most singular and we fear the most culpable part of the affair is involved in the following passage of Mr. Caldwell's evidence. "*On the 13th Jan. 1st witness called on me, and complained that himself and 44 other men had been taken to Macao and sold to a barracoon there.*" [Now considering that the alleged escape of *Ah Soong* from the barracoon took place on the 1st December according to the Procurador, we must say that rather an unreasonable space of time had elapsed.] "*On the 19th or 20th prisoner called on me regarding a civil process affair, when I asked about the kidnapping, sent for a constable and had him taken into custody.*" That is a remarkably nice cat and mouse way of doing business certainly. After information of such a nature had been given against a resident shopkeeper, nothing is done for six or seven days, when the accused party, happening to have occasion to call upon the Protector of Chinese "regarding a civil process affair," is "asked about the kidnapping" and handed over to a constable. Verily, the thing does look remarkably fishy.

Whether *Sung-a-hing* had hand or part in the man stealing is one question—whether the evidence that condemned him was true or false, is another. He was sentenced to four years penal servitude, and may perhaps have a story of his own to tell some day—meanwhile we tell the government of this Colony that they cannot touch pitch without being defiled, and until the administration be purged of all that once made it wicked and corrupt, its action will be palsied, its attempts to do good made nugatory. It will be baffled at every turn,—scotched at every difficulty. All its movements will be irregular, even handed justice rendered impracticable—dignity and respect impossible. The root of the evil must be attacked—the evil never can be patched up properly—the sore will break out again and again—each time it will be worse, and more difficult to heal. It is now a chronic ulcer doing injury to the body politic.

MACAO, 5th March, 1860.

To the Editor of the "Daily Press."

DEAR SIR,—As some Hongkong newspapers, according to what I have been informed, have spoken very incorrectly about the affair of some forty and more Chinese Coolies who came from your port to Macao, some of whom went to Havannah; it becomes my duty, to explain this affair by giving a true narrative of what has occurred, so that the impartial public may form a correct judgement of it.

I avail myself of this opportunity to invite all foreign gentlemen of whatever nation who may wish to attend, and be eye witnesses to the examinations of the Chinese Coolies before entering into contract, made by me at the Procurador's office in the Senate house, which is open every day from 10 o'clock in the morning till 3 in the afternoon, Sundays and holidays excepted, and where any person can have free ingress. I have now to beg you, Mr. Editor, the favor of publishing in your paper this letter, and the accompanying narrative, by doing which you will oblige me much.—I remain, dear Sir, yours faithfully,

LOURENÇO MARQUES.

NARRATIVE.

On the 23d January of this year Mr. D. R. Caldwell came to Macao, with an official letter from the Government of Hongkong, addressed to the Council of Government of Macao, for the purpose of being informed about some forty and more Chinese, who came from Hongkong to Macao and were received in one of the Barracoons of Chinese emigrants for Havannah. Being myself authorized by the Council of Government to examine into this affair, Mr. Caldwell told me the following:—"That on the 17th or 27th December of last year, about forty and more Chinese came from Cupchy to Hongkong, in search of a vessel that was lying at Macao, to carry them to Penang; and being unable to find any boat to transport them to Macao they remained at Hongkong, and on that occasion appeared a Chinese shopkeeper, who proposed to carry them back to Cupchy; but after some time, a young Chinese of their number, went to inform him (Mr. Caldwell), that all those Chinese had been sent to Macao, and had been admitted in one of the Barracoons there, and that he the informer was one of three Chinese who ran away a few days before from the said Barracoon in Hospital Street, and for that reason he Mr. Caldwell had brought the said young Chinese with him to recognize the other Chinese, and to examine into the case,—and that the said young Chinese had been employed lately, as one of the Policemen of Hongkong." Notwithstanding that day being the Chinese new year, Mr. Caldwell, myself, the informer, and the Interpreter, Florentino dos Remedios, went out from the Government house to the Barracoon in the Hospital Street, and there we found that the most part of the forty and odd coolies had already been shipped on board the ship *Emilie Pereira*, and there remained only about ten of them. The said young Chinese, the informer, then declared, that he was one of the three Chinese, who had made their escape from the Barracoon, by the garden door (pointing out the door,) which they found opened, and went afterwards to Hongkong to give information. Having examined the "Entry Book," it was found, that some thirty and more Coolies were admitted in November of last year, and the escape of three of them was noted in the book under the date of the 1st December; and what surprised me much was that the name of this informer, was different from those of any of the three who had run away. After this, we went to the Barracoon at St. Antonio (lately the Philharmonic Society House), where the informer declared, that there were four Chinese Coolies, who being called out, stated that they had been examined by me at the Procurador's office, and that they wished to go to Havannah, and that they had signed their contracts; but being on that occasion again interrogated, as to whether they wished to go to Havannah, they said that they now did not wish to go, and so also said another Coolie, who was in the Barracoon near St. Lourenço. Being interrogated also, as to whether the informer had come with them from Hongkong as Coolie, or broker, they said, that he the informer had come with them, but that they did not know, whether he came as a broker, or as a Coolie; and the same said another Coolie of the Barracoon near St. Lourenço, who was also pointed out to us by the said informer. They said also, that they four belonged to the same party as the ten Coolies of the Hospital Street Barracoon, who in the course of examination were rejected by the Doctor, and that they did not know of the other six Coolies. By the "Entry Book" of the said Barracoon, in the Campo de Santo Antonio, the names of these four Coolies, were properly registered. I had some suspicion, that the said informer was not one of the three Coolies who escaped and that he never had been admitted in any of the Macao-Barracoons, because I was told that on the day of the escape of those three men, they had run away by climbing the wall, and not by the garden door, and I was also told that there had been some quarrel amongst the Chinese brokers, of which fraternity as was alleged the informer was one and this on account of the division of the money received for the said thirty and more coolies; and therefore I summoned to the Procurador's Office all the Portuguese people belonging to the Barracoon in the Hospital Street, who under oath stated in their depositions, that they had seen the said informer often in the Barracoon with the brokers, where he slept some times, and went out whenever he pleased, but that he never was admitted as a Coolie in the Barracoon. And the informer himself declared, that he had gone only twice to the Chinese Hotel with some of the brokers, and that he belonged to a body of other Coolies. But one Portuguese, a native of Goa, by the name of José Fernandes declared under oath, that he knew the said informer perfectly well as a broker in the Barracoon, where he was very intimate with him, and that he the witness had cut his nails several times; and on hearing this, the informer at once confessed that it was all true; and the said Portuguese witness went on saying, that the informer never had been in the Barracoon as a Coolie, but as a broker, and that on one occasion, the said informer had told him, that he had in his pocket upwards of seventy dollars, being the product of the commission money of three Coolies he brought to the Barracoon, and that he the witness had touched the money, which was in a large bag tied round his waist, but that he had not counted it. This the informer denied, and on this occasion Mr. Caldwell asked me, if the witness could speak Chinese, and he having replied in the affirmative, and being ordered by me to repeat what he had said in the Chinese language, he did so. This witness is a Portuguese native of Goa, and has been a soldier in the Macao garrison for upwards of twenty years, and has behaved well, and is without any slur in his character. After that, I ordered to be produced the contracts of the three Coolies who ran away, to ascertain if amongst them there was the name of the informer, and before their presentation to me, the said informer told to the Linguist Delfino Xavier, that he never had been in the Barracoon jointly with the other Coolies; and having

examined in the contracts the names of the three Coolies who ran away, the name of the informer was not found amongst them, which proves clearly, that he had not only given false testimony at Hongkong against the others, but that he also had been one of the brokers, and that in consequence of the quarrel they had had amongst themselves on account of the deviation of the money, he turned informer at the Police Office at Hongkong against a Chinese shopkeeper there, and was then admitted as policeman in the Hongkong force. Mr. Caldwell having requested from me the release of five Coolies, and that I should demand from the brokers the expenses incurred by them, to indemnify the Barracoon owners, I told him I could not do that, because the said Coolies were well and duly examined by me at my office, and there they had signed their contracts in the presence of witnesses; and that those who refused to enter into the contract, were by me sent back to their native places, as Mr. Caldwell well knows, and therefore the Barracoon owners could not forfeit that money, as it is provided by the Art. 16th of the Macao Barracoon Regulations, in manner following:—"All Chinese who have entered into contracts in the presence of the Procurador, and who have been duly informed of the place, and service for which they are engaged, are compelled to fulfil their contract or to indemnify the expenses which they have incurred, and which they must pay in case of their subsequent wish to retract or from any other motive they should refuse to go to their destinations. The expense of feeding them will be indemnified, at the rate of one hundred copper cash a day,"—and after these observations, Mr. Caldwell gave me a promissory note for the sum of \$192½ which I delivery to the owners of the Barracoons. This is the true narrative of what has occurred, and the impartial public make of this its best judgement.

Macao, March 1860.

Evidence at the Supreme Court, 21st February.

Ah Soong, called.—Was one of a party of 120 men who were brought from Cupchi in the early part of December; when they arrived in Hongkong they were transferred to a Macao fast boat; the police had somehow got scent of their being in this boat, and released them from it; they were brought before the Magistrate's Court on the 14th December, and were released. In coming from the Court witness saw the prisoner, several men from his establishment being with him; prisoner spoke to witness, saying he would get them a vessel to take them home: witness and the others followed prisoner to his house, the Quang Fook Hong, at the end of the new street of Bonham Strand, which was a three storied building with a salt fish store: they stayed there more than 10 days; on leaving it witness went on board a boat; more than a hundred left the house and went on board two vessels, one smaller than the other, witness was on board the smaller one with 44 others, and the prisoner was with him; prisoner had said to them, "go on board, and you will be sent home to Cupchi;" the boat set sail on the 26th December, at noon; witness was below, and could not tell which way they went out; prisoner being with them all the while; they, however, were not taken to Cupchi but to Macao, where they arrived near midnight of the next day. When at Macao, they went ashore and to the Sung Fook Tye Hong: several people with lights conducted them there; prisoner accompanied them to the Hong, and said "Don't be afraid, I will take you home." Witness and the others spent that night in the Hong; saw several others there who were called "pigs" or kidnapped men; witness asked and was told by these that they also were sold as pigs, and that the price was \$27 each; remained there some six or seven days, and saw prisoner every day during that time. On being told by these people of being himself sold, witness remonstrated with prisoner, who without giving him an answer called some foreigners to beat him, which they did with long canes. Some foreigners after this examined them, made the whole of the men strip off their clothes, and divided them into good and bad: none were sent away while witness was there; those selected as wanted were marked with a round mark made with ink, those not wanted with a cross, the latter were not let to, but were put aside until inquiries should be made of the officials. About the time for the evening meal, and as the overseer was eating with the door-keeper, prisoner walked about, and watching his chance ran out; went down to the sea side, found out the Hongkong passage boat, and came over to Hongkong; the prisoner was left in Macao. On the 12th January witness again saw prisoner in his own place the Quang Fook Hong: having heard prisoner had returned from Macao he went to enquire about two of his kinsmen who were of the kidnapped party; prisoner abused him, and told a Portuguese who had come with prisoner from Macao to lay hold of witness, but witness being frightened ran away: complained to a friend of his who had come over with witness in the boat, as also to Mr. Caldwell; went with Mr. Caldwell to Macao and found 5 of his friends: in an establishment called the Ho Shang, found 4, and the other one in another barracoon; the men who on examination had been marked with a circle had been shipped off when he went to Macao.

Witness was here cross-examined by the prisoner, and stated that prisoner was with a Captain. [This Captain, the prisoner said had brought the kidnapped men to his shop.]

Witness further examined.—This Captain was one of the prisoner's party who told him they were going to Cupchi; witness remonstrated only once with the prisoner, the time he was flogged; had never agreed to go to Macao; never authorized any one to sell him; he expected to be sent to the Straits; he arranged with five head people to go there; witness had no agreement with prisoner at all; the previous agreement was made at Cupchi.

Quang Soon Quang, was called and corroborated the statement made by the preceding deponent.

Mr. Caldwell, sworn.—I am protector of Chinese; on the 13th January, 1st witness called on me, and complained that himself and 44 other men forming a portion of the 120 who had been released at the Magistrate's Court, had been taken to Macao and sold to a barracoon there; on the 19th or 20th, prisoner called on me regarding a civil process affair, when I asked him about the kidnapping, sent for a constable and had him taken into custody; shortly after this in consequence of instructions I received, I went to Macao, to see if I could obtain the release of the 44 men; the 1st witness went with me; saw the Procurador who was directed by the Acting Governor of Macao to render me any assistance, and I went to the Barracoon Soon Fook Tye first, where I ascertained 32 had been shipped on board the *Emilie Pereire*, a French ship bound for Cuba; at the Wo Shang Barracoon, 4 came forward, among whom was the 2d witness, as if to speak with the 1st witness who was with me; these were a portion of the 45; next day sent to another Barracoon where another man was found making 5 altogether who were given up by the Procurador. The Procurador investigated the matter and gave them up upon my being responsible for \$192.50 for the 5 men, being the purchase money, food and clothing; the bill was made out by the barracoon keeper. Cross-examined by prisoner: the 5 men mentioned the name of his Hong, consequently they knew the prisoner was the man referred to. The jury after a few minutes consultation returned a verdict of Guilty, and His Lordship sentenced the prisoner to penal servitude for 4 years.

[No. 37.]

To the Editor of the "China Mail."

HONGKONG, 19th March, 1860.

SIR,—Mr. L. Marques of Macao has thought fit to publish in the *Daily Press* of the 8th instant, a narrative of certain proceedings which took place at Macao in the late case of kidnapping, in which, out of the 45 unfortunate Cupchi men (perfect strangers to this part of China) who were inveigled over to Macao from this, and sold to the barracoons there, only six have been rescued; thirty-two of their number having, on the very morning of my arrival at Macao, left that place for their destined slavery at Havana, in the ship *Emilie Pereire*.

As Mr. Marques's narrative contained many inaccuracies and mis-statements, both with regard to myself, and to the proceedings which took place at Macao at my instigation, I felt it my duty to point these out to Mr. Marques, with a request that he would take the earliest opportunity to correct them in the same public manner that he had adopted for making known his original statement.

As Mr. Marques has declined to comply with my request, and as an erroneous impression may be created regarding this case, and the part I took in it, if the narrative of Mr. Marques remains uncontradicted, I will feel obliged to you if you will give publicity to the subjoined correspondence between Mr. Marques and myself arising out of this case, so that the public may form a correct opinion of the facts of the case as they actually occurred, and not as they are made to appear in the published narrative of that gentleman.—I am, Sir, your obedient servant,

D. R. CALDWELL.

MACAO, 10th February, 1860.

D. R. CALDWELL, Esq.,
Registrar General, Hongkong.

DEAR SIR,—As you have been lately in Macao, and been present for five consecutive days at the Procurador's Office in the Senate House, for an affair on behalf of the British Government, at the same time you have been also present at the examination, and questions made by me to the Chinese emigrants; I beg now of you the favor of declaring to me, if you have found clear and lawful the manner by which I explain to them the agreement before everybody present, informing them at the same time that they are at liberty to bind themselves to it or not; and that the conditions of it were to go to Havana (and not to California or Sydney) for being employed in the plantations of sugar cane, coffee, or tobacco, &c.; that the period of their service would be for eight years' time, and their wages four dollars per month, besides feeding and clothing during all that time; and of those that did not wish to accept of the said agreement, I have sent them immediately back to their native places, intrusted to the charge of Policemen of the Chinese Mandarins of Casa Branca, and of Heang-shan, to whom I pay their expenses, and they give me their receipt, as I have shewn to you those Chinese Policemen being sent by the said Mandarins for this purpose. I beg you also to declare if I have asked you to point out some other method of examining these men, better than that suggested by me; and that if I have refused to admit young boys, notwithstanding some of them declared to be of nineteen years old, only for looking younger than they really are; and finally, if the contracts are signed before me with one or two witnesses. As you are well acquainted with the Chinese language, I think you must recollect well all the questions made to them by me, to inform me about, and by that you will greatly oblige,—Yours faithfully,

L. MARQUES,
Procurador.

HONGKONG, 21st February, 1860.

To L. MARQUES, Esq.,
Procurador, Macao.

DEAR SIR,—I beg to acknowledge the receipt of your letter of the 10th instant, requesting me to give you my opinion of the mode adopted by you in the examination of coolies brought before you for the purpose of entering into contracts of service at the Havana, previous to their shipment for that place, so far as I witnessed it on the occasion of my recent visit to Macao in search of certain kidnapped Chinese; and in reply, I beg to state that during the time I was present on the several occasions you refer to, I saw nothing objectionable either in the explanation of the terms of the contract the coolies were about to enter into, or in the questions which were put to them to ascertain their willingness or disinclination to enter into these contracts.

I am still of opinion, however, that as a general rule the coolies are kept in the barracoons for too lengthened a period before they are brought before you for the purpose of completing their engagement of service. It is during this period of confinement that my inquiries lead me to believe, that a system of intimidation is carried on in the barracoons, under the effects of which, many an ignorant Chinaman, when brought before you, is induced to nod his head in token of assent, when, had he been taken before you in the first instance on his arrival in Macao, it is more likely that his real wishes would have been elicited.

I am of opinion also that it would be fairer to the coolies if they were brought before you, one at a time separately, without the presence of the barracoon people, than as at present in batches, in charge of the Portuguese servants of the barracoon, whose presence, I fully believe, prevents that entire freedom of action on the part of the coolies, which I feel sure it must be your endeavour to secure at the time of completing their final engagement.

I noticed also in every instance, when a batch of coolies was brought before you, that some one man stepped out from amongst them, who acted as spokesman for the rest; and although each man was interrogated separately, I believe that the answers of the spokesman had much influence on the responses made by the remainder of the coolies. I remarked to you at the time, that I suspected that these spokesmen were the creatures of the barracoon people, placed there for the purpose of leading the unsuspecting and timid coolies into a declaration of assent, which, under other circumstances, some of them at least might never have made; and though these spokesmen may be among the coolies in the barracoons, and may to all appearance form part of the regular coolies, I very much doubt if they leave Macao in the ships which carry away their barracoon companions.

In the instance of the forty-four unfortunate men kidnapped at Hongkong, and to endeavour to effect whose release I was sent over to Macao by His Excellency the Governor of this Colony, I have little doubt that had the men been taken before you within twelve hours of their arrival, instead of being detained some two or three days in the barracoons, the whole of them would have objected to enter into the Havana service contract, and I should probably have had the satisfaction of seeing the whole number set at liberty instead of only the five who were left in the barracoons on my arrival, and who, one and all, objected to enter the Havana engagement, and detailed to you the circumstances under which they were compelled to sign the contracts.

Whilst upon the subject of these particular men, I would take the liberty of remarking that I still do not understand the principle upon which I was required to guarantee the payment of the barracoon expenses as a condition of their release. These men were either kidnapped, or they were not kidnapped. If they

were kidnapped, why was I required to refund the expenses of the Chinese barracoon brokers, who must have known that these men were kidnapped when they purchased them; and the sudden disappearance of one of them from Macao immediately he heard of the object of my visit, was, to say the least of it, extremely suspicious. On the other hand, if the authorities at Macao were satisfied that the men had not been kidnapped, and that they had entered into the Havana service contract before you in the usual manner of their own free will previous to my arrival, why were they given up to me at all?—I am, dear Sir, yours faithfully,

D. R. CALDWELL.

MACAO, 29th February, 1860.

D. R. CALDWELL, Esq., *Hongkong*.

DEAR SIR,—I beg to acknowledge the receipt of your letter of the 21st instant, in reply to mine of the 10th of the same month, in which you say about the mode adopted by me in the examination of coolies brought before me, for the purpose of entering into contracts of service at the Havana, previous to their shipment for that place, so far as you witnessed it on the occasion of your recent visit to Macao; that during the time you were present on several occasions, you saw nothing objectionable either in the explanation of the terms of the contract the coolies were about to enter into, or in the questions which were put to them to ascertain their willingness or disinclination to enter into the contracts.

2. But as you say that you are of opinion, however, that the coolies are kept in the barracoons for too lengthened a period before they are brought before me for the purpose of completing their engagements of service, and that during this period of confinement, that your inquiries led you to believe that a system of intimidation is carried on in the barracoons, under the effects of which many an ignorant Chinaman when brought before me is induced to nod his head in token of assent, &c. In reply to this observation of yours I must say that the coolies are not kept for too lengthened a period in the barracoons, but only for a short time, which is necessary for the cleanness of their bodies and dresses, and also for the inspection of the doctors who have to examine the state of their health before their admission. If they, on their arrival at Macao, were to be brought before me according to your opinion, they might have been intimidated also by the Chinese brokers, on which set of people we must place less confidence than on the Christians.

3. You say also, that you are of opinion that it would be fairer to the coolies if they were brought before me one at a time separately, without the presence of the barracoon people than as at present in batches in charge of the Portuguese servants of the barracoon whose presence you fully believe prevents that entire freedom of action on the part of the coolies, &c. To this I must say that you are quite mistaken in your opinion, and that it is far preferable that the coolies should be brought before me in batches than one at a time separately, because if some of them refuse to enter into their contracts, the others may follow their example, as you have witnessed on one occasion that you were present at the examination, when a batch of nine coolies that were brought before me and in the presence of the barracoon people, six of them refused to enter into their contracts, and I ordered immediately to separate them from the others, to be sent back to their homes, as you must recollect well.

4. You say also that you noticed when a batch of coolies was brought before me, that some one man stepped out from amongst them, who acted as spokesman for the rest, and although each man was interrogated separately, you believe that the answer of the spokesman had much influence on the responses made by the remainder of the coolies; and that though these spokesmen may be among the coolies in the barracoon, and may to all appearance form part of the regular coolies, you very much doubt if they leave Macao in the ships which carry away their barracoon companions, &c. To this I must say that those spokesmen are some of the coolies of the batches, who are the first to give in their assent to enter into contract, and if they may lead the remainder of them to do the same, as you think, in this case some of them that give in their refusal to enter into contract may induce all their companions also to follow their example; and this is a thing that I cannot prevent, because I cannot coerce their free exercise of explaining their willingness or reluctance of entering into contract; and I assure you that they are coolies that go with the others to the same destination, and not men sent only for another bad purpose of being spokesmen for the remainder, and many persons present at the examination have been allowed by me to be spokesmen, as it happened with you, when you were requested by me to put some questions to them.

5. All the coolies not only are examined by me at my office on their arrival, as you have been an eye witness, but they are also a second time examined by me on the day of their shipment, and on this occasion those that refuse to go to their destination, are ordered to be put separately and sent back to their respective homes through the mandarins' policemen, who give me a receipt for them. The coolies when they get on board, are also examined a third time by the Harbour Master, previous to their departure from Macao.

6. I think I have already explained to you the mode adopted by me in the examination of coolies brought before me for the purpose of entering into contracts of service at Havana, which is the most legal, and conscientious that can be; and besides that, you know that the barracoons here can be inspected by any decent person, or by the people that are desirous to release any of the coolies by requiring of me a permission for that purpose. But, I think that the barracoons at Hongkong and at Canton are not so free for inspection, and I doubt very much also if any of those coolies after the examination and hearing entered into contracts may be so easily released by their parents, relations, or friends. If I was allowed to examine myself a ship loaded with coolies from Canton after being examined by the Chinese officials, I dare say I would be obliged to discharge them all, or the most part of them because they would have objected to enter into the Demerara service contracts, and to go to their destination. If you say that the Portuguese people of the barracoons in Macao may induce the coolies by a system of intimidation to nod their heads in token of assent when they are brought before me, what then I will say of the character of those people employed in the barracoons at Canton, the most part of them Chinese, and about the examinations made before the Chinese officials, on whom no body can rely or place any confidence on account of their well-known venality and mendacity, which are so proverbial throughout the world? In proof of this assertion I refer you to the case lately occurred of four hundred and more coolies of the ship *Messenger*, who, after being duly examined by me, and after having signed their contracts here, on their arrival at Canton, were induced to declare the contrary of what they had said here before me, and before the witnesses present at the examination.

7. Finally, as to what you say that you do not understand the principle upon which you were required to guarantee the payment of the barracoon expenses as a condition of their release. And in support of your argument, you put me the following question: That these men were either kidnapped or they were not kidnapped. If they were kidnapped why were you required to refund the expenses of the Chinese barracoon

brokers, who must have known that those men were kidnapped when they purchased them; and the sudden disappearance of one of them from Macao, immediately he heard of the object of your visit, was, to say the least of it, extremely suspicious; and that if the authorities at Macao were satisfied that the men were not kidnapped, and that they had entered into the Havana service contract before me in the usual manner of their own free will previous to your arrival, why were they given up to you at all? To this your long argument I must reply very easily as follows: That the payment of the barracoon expenses was required from you in conformity with Art. 16 of the Regulations, which you may inform yourself about and of which you will find below a translation in English, because those men have incurred the said expenses, and have also declared before me that they wished by their own free will to enter into the Havana service contract, and have signed it, and therefore they have not been kidnapped; as they have also declared before you and myself that they had signed by their own free will the said contracts.

8. And to what you say about the disappearance of one coolie from the barracoons of Macao, I think that you refer to the broker, whom your denunciator—the young Chinese—told us that he had seen at the entrance of the barracoon in Hospital Street, and as you have taken this occurrence in a bad light, I must remind you that the young Chinese, the denunciator, whom you brought with you as witness to Macao, has been proved to be one of the brokers, and not one of the coolies that ran away from the barracoons, and that his denunciation against the Chinese shopkeeper was as you have told me in consequence of the quarrel they had amongst themselves as to the division of the money.

9. And as to the second point of your argument, I must say that if I gave them up to you, it was first because you had demanded them in the name of Her British Majesty's Government, to attend to the depositions against a Chinese shopkeeper on the case of kidnapping; and secondly, that although these men had entered into their contracts before me, they afterward declared that they had changed their minds, and that they did not wish to go to Havana; and for this reason I gave them up to you, on condition that you would pay the barracoon expenses, because they signed before me and the witnesses, the contracts by their own free will, and therefore the brokers cannot be bound to lose their money, as I have explained to you, and you being convinced of that, have acceded to the condition that was proposed to you.—I remain, dear Sir, yours faithfully,

L. MARQUES.

Article 16 of the Barracoon Regulations.

The Chinese who have entered into contracts in the presence of the Procurador, and been duly informed of the place and service for which they are engaged, are obliged to fulfil them, or to indemnify the expenses which they have incurred, and which they must pay in case of repenting for having entered into them, or if for any other motive they refuse to go to their destinations. The expenses of feeding them will be indemnified at the rate of one hundred copper cash per day.

HONGKONG, 10th March, 1860.

To L. MARQUES, Esq., Macao.

DEAR SIR,—I beg to acknowledge the receipt of your letter of the 29th ultimo, in answer to mine of the 21st, and although it contained much both in the form of inference and fact to which I could not subscribe, I did not intend to offer any reply to it, as I did not see to what good result a further continuance of the correspondence could lead.

My attention, however, having been called to a letter bearing your signature, together with a narrative of the circumstances attending the kidnapping case, about which I was directed to proceed to Macao, published by your authority in the *Daily Press* Newspaper of the 8th instant, and as this narrative contains many inaccuracies and mis-statements (which I feel sure you will not hesitate to correct when they are pointed out to you), I deem it right not only to reply fully to your letter now under acknowledgement, but to bring to your notice the instances in which you have, unintentionally, I doubt not, mis-stated facts and attributed to me assertions which I never gave utterance to.

I shall reply first to your letter of the 29th February:

I still maintain the conviction that it would be more just to the coolies, if they were brought before you for examination separately, without the presence of the barracoon people, and if they were interrogated apart as to their desire to enter into the Havana service contract, instead of having them brought up for that purpose as at present in batches of several at a time.

I admit that on the particular occasion mentioned by you in the third paragraph of your letter, on which I was present, the course of examination pursued by you for ascertaining the wishes of the coolies was most painstaking, minute, and rigorous, even to the extent almost of inducing the coolies to come to a determination to refuse to enter into the contract, although they might have been willing in the first instance to sign it; and this extreme particularity on your part resulted, in the instance you alluded to, in six out of nine coolies refusing to enter into the contract, although the whole of them had at first nodded their heads in token of assent.

I feel bound at the same time to say, however, that I was not only told by others, but I had reason to believe myself, that this extreme particularity was not usually adopted in the examination of the coolies, and that it was done in this instance because I happened to be present, and because my visit to Macao had reference to a case connected with the Macao coolie barracoons.

I have no hesitation in saying, that if you pursued the same stringent course of examination with every man brought before you for shipment, free from the intimidating influences of the barracoon people, the cases of hardship and oppression now generally admitted to exist in connection with this traffic, would be greatly reduced in number.

I must still beg to differ with you in the conclusions you draw in the fourth paragraph of your letter. You say that the same influence exercised by the spokesman of a batch of coolies over his companions, in assenting to the contract, would act in the same manner if the spokesman were to refuse to adopt it. If the spokesman happened to be a *chance-man*, forming one of the regular coolies, it might be so; but I firmly believe that these spokesmen are the creatures of the barracoon-keepers, brought up with a batch of coolies for the purpose of leading, if not actually intimidating them by their presence, into an expression of assent when

the question is put to them. On the occasion when the above nine coolies were brought before you, I noticed the man who stepped out from among them, and acted as spokesman. The man's demeanour, and his eagerness in signifying his assent, excited my suspicion, and I drew your attention to the circumstance, telling you at the same time that I felt pretty sure this man would not be found among the coolies when they were sent on board ship for transmission to their destination. You promised to take a note of this, because, during the examination of this spokesman, it turned out that he was a small shopkeeper at Macao! Whether he ever left the place for Havana or not, I do not know; but shopkeepers are not generally of the class of persons who offer themselves as coolies to work on the Havana sugar plantations. You assure me, however, in the same paragraph, that these spokesmen *do* go in the vessels with the other coolies. I do not doubt that this is your belief, but considering that you are in the habit of making a subsequent examination of the coolies previous to their shipment, when all who refuse to go are discharged, and that after you have done this the Harbour Master pursues the like course with regard to those that are left; I must confess that I do not clearly see the means by which you are able to satisfy yourself that these spokesmen are really amongst those who present themselves to you on this second examination—that they are not amongst those who may then declare their unwillingness to proceed, and accordingly receive their discharge from you—that they are not amongst those who may receive their freedom at the subsequent examination by the Harbour Master—or, in fact, that they might not have been already released from the barracoon by some friend real or pretended, coming forward to claim them and paying their expenses.

In the fifth paragraph of your letter, you tell me that all coolies are not only examined by you at your office on their arrival, but that they are a *second* time examined by you on the day of their shipment, when *all* who refuse to go are put aside and sent back to their respective homes through the mandarins' policemen.

Nothing can be fairer or more just to these poor men than this humane course, and my only surprise, after this declaration on your part, is, that you should have refused to deliver to me the five unfortunate men, whom, with your assistance, I rescued from the clutches of the Macao barracoon-keepers, and who not only refused to go to Havana, but who, it was proved, had been kidnapped at Hongkong, and sold against their will to the Macao barracoons. The reason you assigned for requiring me to pay the barracoon expenses of these men, was, that they had previously consented to go, and had signed the contract. This must surely be the case also with every other coolie who may refuse to go at the second examination "on the day of their shipment," and whom you say you sent away to their homes in charge of the mandarins' policemen. But do you make it a condition of their discharge, that the mandarin or the policemen should reimburse the barracoon-keepers, as I was required to do, in the case of the five kidnapped men?

The observations contained in paragraph six of your letter, regarding the barracoons at Hongkong and Canton, and the proceedings of the Chinese officials, do not call for any particular remarks from myself. We have no barracoons at Hongkong bearing the slightest affinity to those of Macao; and with regard to the parallel you draw between the relative merits of the Portuguese people of the Macao barracoons, and the Chinese servants of the Canton barracoons, all I can say is, that the instance you adduce in favour of the former, arising out of the case of the *Messenger*, does not by any means bear out your deduction. You say that the 400 and odd coolies of this ship, after having been duly examined by you, and after having signed their contracts in Macao, on their arrival at Canton, were induced to declare the contrary of what they said before you, and before the witnesses present at the examination. It appears to me that this only proves that these unfortunate men were victims to the nefarious practices of the Coolie-brokers, and that there must have been some undue influence which prevented these men from making known their real wishes when taken before Foreigners in authority at Macao, which was wanting when they were brought before the officials of their own nation at Canton. If further proofs were wanting of the fact that these unfortunate men were detained against their will, both at Macao and on board the *Messenger*, I would refer you to the depositions made by these men before the Canton authorities, and afterwards published in the *China Chronicle*.

In paragraph eight of your letter, you seem to regard with surprise the fact of my "taking in a bad light" the sudden disappearance of the broker, who was recognized by the complainant in the barracoon at Hospital Street, the morning we visited it. This man was pointed out to me by the boy, as we were ascending the stairs, as being a person in authority on board of the boat which conveyed him and his companions from Hongkong to Macao. After our examination upstairs had terminated, I mentioned the circumstance to you, and you ordered the boy to point him out; but the Broker was no longer there, and both the head Portuguese overseer of the barracoon, and the Chinese servants employed therein, told you that the broker had just gone out. You left orders that the man should be sent to you on his return. This was on the 23d January. He was not forthcoming the next morning, at which I felt disappointed, but you told me that I need not entertain any fear about the broker's nonappearance; that it was the new year, and he had probably been visiting his friends. He was not forthcoming on the 25th, nor on the 26th, nor on the 27th, when I left Macao. I could not help regarding his sudden disappearance and subsequent absence, in a very "bad light." I still look upon it as an extremely suspicious circumstance, and your letter does not even inform me, if this broker, implicated as he was in the kidnapping of the 45 Cupchi-men, has since been forthcoming.

I shall advert, in another part of this letter, to your allegations that the boy who accompanied me to Macao, had been proved to be one of the brokers; but with reference to your statement, that "his denunciation against the Chinese shopkeeper was, as I told you, in consequence of the quarrel they had amongst themselves in the division of the money," you must permit me to correct you. I am sure it is only necessary for me to remind you, that it was in consequence of inquiries instituted by yourself, that you were informed of this circumstance by some of the barracoon's people, and that you then mentioned the circumstance to me and not me to you. I questioned the boy upon the subject, and I told you his answer, which was, that he had heard that there had been a quarrel between the brokers who took him and his companions over to Macao, about the division of the money.

Before proceeding to notice your published statements, I would beg to refer back to your first letter to me, that of the 10th February, wherein you request me to bear testimony to the manner in which the coolies are examined before you and you then ask me, "Finally, if the contracts are not signed before you with one or two witnesses?"—I did not think it necessary to notice this question in my reply under date the 21st February, but as your recent proceeding in publishing, what I cannot help regarding as a very one-sided statement of what occurred during my interviews with you at Macao, absolves me from any delicacy I may then have felt in stating what I witnessed in your office,—I have to state now in answer to your inquiry, that during the three whole days on which I was present at your office, I noticed the manner in which the contracts were entered into by the coolies.—The contracts themselves were placed in your hands by the Portuguese servants of the barracoon, in whose charge the coolies were brought up. You then affixed your

signature to the contracts at the clerk's desk, and handed them back to the person from whom you received them. After putting questions to the coolies to ascertain their willingness or otherwise to enter into the service, the coolies and contracts were taken by the same barracoon servants into an adjoining room, where an interpreter and a Chinese clerk sit. Shortly after this I observed the coolies and the barracoon people leave the Senate House, without coming again into your room, so that if the contracts are signed by the coolies at all, they are certainly not done so in your presence. I speak of course to what I witnessed on the several occasions in which I was present.

I now proceed to notice the inaccuracies which appear in the narrative of the proceedings at Macao in the kidnapping case, sent by you for publication in the *Daily Press* newspaper, and the first is the statement which you allege I made to you on my arrival at Macao, of the facts of the case. The statement I made to you was not as you have stated it, but it was as follows:—I told you that some time in the month of December last, no less than 125 men (not 40 as you make it appear) had come from Cupchi to Hongkong in search of a vessel—said to be at Macao—to proceed to the Straits, and that after having been transhipped into a Macao passage boat, information had been given to the Police which led to their being brought on shore. That after having been detained by the Magistrate for several days, 120 of the men had been released. That a Chinese shopkeeper, whom I had in custody at Hongkong, had proposed to take these 120 men to his house for the purpose, as he told them, of sending them back to their houses at Cupchi. That they were all then put on board of two boats on the 27th December, to be taken home as they supposed. That 45 were in one boat, among whom was the lad who was then with me, and whom I pointed out to you. That this boat left Hongkong, the above mentioned shopkeeper and his confederates in the abduction being on board, and that the next night they found themselves in Macao. That the whole 45 men were taken that night to the barracoon *Sun Fook Thai* (the Hospital Street barracoon). That the boy had stated to me that he had made his escape from the barracoon, and come over to Hongkong, were he gave the above information, and that he believed that his companions were still in the Macao barracoons.

This is the substance of what I stated to you, and I feel sure now that I have brought it to your recollection, you will see that the statement you have given in the *Daily Press* newspaper, is not exactly what I communicated to you. I cannot understand what could have induced you to suppose that I had stated to you "that the said young Chinese (the lad I brought with me) had been employed lately as one of the policeman of Hongkong." I made no such statement. He is a mere lad—a perfect stranger to Hongkong, and a most unlikely person to be taken in to the service of the Hongkong force. Locked up in the Police Station along with his 124 unfortunate companions, he certainly had been, and that was the whole extent of his connection with the Hongkong Police that I am aware of.

You then state that we proceeded to the barracoons in search of the kidnapped men, and that in a barracoon in Hospital Street "we found that most part of the forty and odd coolies had already been shipped on board the *Emilie Pereira*, and there remained only about ten of them. Here again I must beg to correct you. Not one of these ten men belonged to the 45 kidnapped men we were in search of. They were poor, weak, sickly looking creatures who appeared to be the refuse of the barracoon, none of whom appeared to recognize the boy, nor did he seem to know any of them.

You state further that, "after this we went to the barracoon at St. Antonio, where the informant declared that there were four Chinese who on being called out stated that they had been examined by me at the Procurator's office, and that they wished to go to Havana, and that they had signed their contracts; but being on that occasion again interrogated as to whether they wished to go to Havana, they said that they did not wish to go." Here again you are in error. The boy did not say that there were four of his companions in this barracoon, but he said that he had heard that some of his companions were there. You told him to go into a room in the barracoon to see if he could find any. This was a dark room containing about fifty or sixty Chinese. The boy went in, and said something in his own dialect, when four men came forward, whom the boy recognized as four of his companions, and who at once recognized him. You then ordered these four men to be taken upstairs to a private room, none other of the boy's companions having been found below. On being questioned by you through the interpreter, these four men admitted that they had signed the contract, but they stated that they had done so from fear, as they had been threatened with punishment if they refused. They made this statement before the boy had any opportunity of entering into conversation with them unheard by the barracoon people. Although I was present the whole time, I did not hear any of these men acknowledge that they had signed the contract *willingly*, or that they had a wish to go to Havana. But I did hear them say that they never had any wish to go to that place. On this you remonstrated with them, and asked them "how they could have been so stupid as to sign the contract when you had told them that if they did not wish to go they need not." They gave the usual vacant smile of ignorant Chinamen, and said that they were afraid at the time to refuse.

You ordered these four men to be brought before you on the following day for further examination, and it was on this occasion that they stated to you that they had been kidnapped at Hongkong, and brought over to Macao in the same boat with the boy, and taken to the *Sun Fook Thai* barracoon in Hospital Street; thereby confirming the boy's statement, although they had not had an opportunity of speaking to him.

These men did not state that "they belonged to the same party as the ten coolies of the Hospital Street barracoon, who in the course of examination were rejected by the doctor"; but what they said was, that the whole 45—themselves and their companions—underwent an examination; that 32 of their number were retained, and the other 13, including the boy, were rejected and put aside. These four men further stated, that on a subsequent day they and eight more of the thirteen were taken to the *Woo Shang* barracoon (St. Antonio) where the four were kept—the other eight having been sent away. What became of the boy—the thirteenth—they did not know. (This was probably the time when the boy made his escape.)

The other coolie you refer to as having been found in the St. Lourenço barracoon, you may remember was brought from this barracoon in charge of a Policeman, and although he had had no opportunity of communicating with the boy or the other four men, he gave the very same statement as they did as to the manner in which he had been kidnapped at Hongkong, taken over to Macao, and confined in the barracoons there.

I was led to believe that the consistency in the statements of all these persons, brought from different barracoons,—their instant recognition of the boy, and the absence of any possible means by which they could have concerted together to make up a story, had convinced you that they, as well as the boy, had been the victims of a most barefaced and cruel act of deception on the part of the brokers who supply your barracoons with coolies for the Havana service.

You must surely remember also, that it was only after three days of very lengthened and laborious examinations, during the whole of which the boy and the people of the barracoons were present, and when

I was almost on the eve of leaving Macao with the five coolies, that the charge was trumped up against the boy by some of the barracoon people of his being a broker himself! It was with much astonishment that I observed it stated in your narrative, that the boy admitted that he was a broker. As to this you must either have been misinformed, or you are labouring under a misapprehension. The only part of José Fernandes's evidence which the boy admitted to be true, was, the fact that Fernandes had cut his nails on one occasion whilst he was confined in the barracoon, and which he thus explained. It would appear that the same strict surveillance which is exercised over those coolies who have signed the contracts, and are ready for shipment, is not extended to those who have not yet gone through this ceremony. They are kept in a different part of the barracoon, and are allowed to mix freely with the servant of the barracoon. As the boy had not signed the contract, he said he was among this latter class, and mixed as freely with the servants of the barracoon as the others did, and that it was during this time that Fernandes had cut his nails. It appeared to me that this little circumstance was thrown in by José Fernandes to give a colour to his otherwise very improbable story, and I had thought that your discrimination enabled you to detect the artifice also.

You could not surely have forgotten also the circumstance of the boy's denial of that portion of José Fernandes's statement, that he, the boy had received seventy-two dollars for three coolies he had sold to the barracoons. The boy, immediately said, "If I had received this money let them produce their books." You thought the idea so good a one, that you immediately stopped the examination, and sent a policeman to bring the books from the barracoon. You were told by persons present that the books were locked up in the box of the same broker who had been pointed out by the boy as being in the boat which brought him over to Macao from Hongkong, and whose sudden disappearance and continued absence I had more than once occasion to notice. You directed the policeman to break open the box and to bring the books to you. Three Chinese books were produced, and one of the barracoon Portuguese very officiously opened one of them at a page *which was folded down*, and at the top of this page was an entry which, being translated, was as follows:—

"Paid Ahsheong 72 Dollars."

Now there were the following suspicious circumstances attached to this entry. It had no date, and it did not state for what purpose the 72 dollars had been paid. It was not written in the ordinary way in the regular lineal distance in use among the Chinese, but it was an interlineation between two other lines of writing. The colour of the ink was different from that of the two perpendicular lines of writing between which the interlineation was made, the ink appearing to be fresh, and as if the characters had been but recently written, and it had the still more suspicious circumstance of a *cross* made by an European pen with European ink right opposite to it, as if to indicate this particular entry for some especial purpose. I pointed out these very suspicious circumstances to you at the time, and you appeared to me to be struck with the force of them. In my own mind I had not even the faintest doubt that this entry had been hastily made but a few minutes before by the parties whose interest it was to make out that the boy was a Coolie Broker, and that it was done for the purpose of giving an appearance of truth to the statement of Fernandes as to the boy having had seventy dollars in his possession. Unfortunately for these persons, in their haste, they had forgotten the name of the boy, which is *Ahsong*, and they wrote in the entry *Ahsheong*. When I add to this, the fact, that the Portuguese and other servants of this barracoon had had frequent opportunities of seeing the boy both at the barracoon when we visited it, as well as at your office during two whole days of the examinations in connection with the boy's complaint; that they never once charged the boy on any of these occasions with being one of the Coolie Brokers, and that they only did so when I was on the point of leaving Macao, and when they found that the five kidnapped men were likely to slip through their fingers through the boy's instrumentality; and the palpable absurdity of a lad of the age of nineteen years, possessing no particular fitness in other respects, being a Coolie Broker, I say I cannot help expressing my astonishment that a gentleman of your discrimination, and with the experience you possess of the habits of the Chinese, can still entertain the belief that the charge against the boy, thus tardily made, and thus equivocally supported, was a true one.

If you need further proof to convince you of the falsity of this charge, I have to inform you that the shopkeeper who took the boy and his companions to Macao, and who was convicted here the other day of kidnapping these unfortunate persons, neither in his statement before the Magistrate, nor in his defence at his trial before the Supreme Court, even so much as *hinted* that the boy (who was the principal witness against him) was a broker; nor did he attempt to deny that the boy was one of the 45 kidnapped persons who had been taken over by him and his confederates to Macao and sold there.

You also state that "the said informer told the linguist, Delfino Xavier, that he had never been in the barracoon jointly with the other coolies; and having examined in the contracts the names of the three coolies who ran away, the name of the informer was not found amongst them, which proves clearly that he had not only given false testimony at Hongkong against the brokers, and that in consequence of the quarrel they had had amongst themselves on account of the division of the money, he turned informer at the Police Office at Hongkong against a Chinese shopkeeper there, and was then admitted as policeman of the Hongkong Force." These are certainly very sweeping deductions to make from such very slender premises. The statement of the boy to Xavier was, *not* that he was not amongst the coolies in the barracoon, but that he had never signed the contract, and that he had made his escape before the contracts were signed, which of course was an all-sufficient reason for your not finding his name among those who had signed the contracts. It is true the boy had stated at first, that he *had* signed the contract; and when I asked him why he had made that declaration, he said that he was told by the Chinese who had paid his passage over from Macao to Hongkong that if he did not say this, people, would not give credit to his statement that he was a coolie. And here I would remark that this was the only instance of self-contradiction which occurred in the whole course of the examinations of this lad whether at Hongkong or Macao, a circumstance somewhat remarkable, when we take into consideration the tendency of that people to exaggerate and make false statements, especially those who have not mixed with Europeans and know nothing of their laws and customs.

You state in the last three lines of your letter of the 29th ultimo, that I felt convinced of the reasons you assigned for refusing to deliver up the five kidnapped men to me, unless I consented to pay the expenses of the barracoons, and that I thereupon acceded to the condition you proposed to me; and though you do not exactly repeat this in your published narrative, the statement you give is still so very far short of what actually took place between us in reference to this particular question, that I shall briefly recapitulate the facts to assist your memory.

I certainly was led to believe that your own impression regarding these men was, that they had been kidnapped and inveigled over to Macao in the manner they had stated; and I accordingly asked you to deliver them up to me. This you objected to do, unless the barracoon expenses of the men were paid, assign-

ing as a reason for requiring this payment the fact that they had all signed the Havana service contracts in your presence. I objected to pay the expenses, because it had been satisfactorily established that the men had been kidnapped because the barracoon people must have *known* that they had been kidnapped—because I was of opinion that the brokers, who had brought these kidnapped men over to Macao and sold them to the barracoons, ought to be made to pay their expenses and not me—and because I was convinced, that if these men had signed the contracts, it was not their own free act, but was a consequence of the system of intimidation which obtains in these barracoons. As you declined to give the men up to me unconditionally, I then offered to give you a conditional guarantee, namely, to return the men to Macao if it should appear that they had not been kidnapped, otherwise to pay the barracoon expenses incurred by them. To this also you objected. It was then arranged between us that I should write to you officially, and that the matter should be laid before the Council on the following morning, but the Governor of Macao having arrived during the night, we agreed to submit the question to His Excellency, and ascertain his views on the subject. This was done; we waited upon the Governor, and it was only after a very lengthened discussion that I found, if I wanted to take the five men with me to Hongkong, I must give an unconditional guarantee for the payment of the barracoon expenses.

It was not from any “conviction,” I do assure you, of the justness of the demand, that I consented to pay the barracoon expenses. All that I felt convinced of was, that unless I gave this guarantee, I should not be able to obtain the liberation of the kidnapped men.

I have now replied fully to your letter of the 29th February, and I have pointed out to you the inaccuracies which appear in the statement you have thought fit to publish in the *Daily Press* newspaper, and I rely on your sense of justice to take the earliest opportunity after the receipt of this, to correct, in the same public manner, the mistakes you have, unintentionally I hope, made in your narrative of the occurrences at Macao regarding this case, so far as they have reference to myself.—I am, Dear Sir, yours faithfully,

D. R. CALDWELL.

MACAO, 15th March, 1860.

D. R. CALDWELL, Esq., *Hongkong*.

DEAR SIR,—I beg to acknowledge the receipt of your very long letter of the 10th instant, received yesterday morning, and in reply I have only to say in short, that I refer myself to my letter of the 29th ultimo, addressed to you, and to my narrative published in the *Daily Press* of the 8th instant.—I remain, Dear Sir, yours faithfully,

L. MARQUES.

Supplement to the “China Mail,” 30th March, 1860.

[No. 38.]

“ Translation of Letter No. 21.”

On the 25th day (16th July) Ahchoy's tor boat brought to the Kwong-yik-loong Hong 180 bags brown sugar. There were bills of sale and passes, &c., connected with this sugar. It had just been landed and the vessel was about taking in alum, when through the cupidity of certain rascally mariners, who attempted to obtain money from the boat's crew, made a false statement to the Police devils that there were pirates on board this boat, and pointed out three of the men as pirates. The vessel was accordingly seized, and all her crew taken to the Station. What is to be grieved at is that it has been disclosed that Wong Kee-ke has a share in this boat and he has therefore been placed in the same difficulty as the men. The state of things is unfavorable. An investigation was held on the 17th July instant, and Kee-ke was bailed by all the Hongs for a further investigation on the 18th. If the question of partnership is raised it will be necessary to make Mr. Sum-hing appear as owner (and prosecute the case with Kee-ke.*) I think the Hong will not be involved in difficulty; but I cannot say how the tor boat will be affected. I will let you know when I write to you again.

NOTE.—You must acquaint me with your decision as to whether you wish to continue or discontinue the trade.

To my Uncles.
18th July, 1857.

(Signed) LUM-CHEW-YUNG.

Translation of the outside of the Letter.

To Lee-ü-hop at Kap-chee, from Quong-yik-loong, 18th July, 1857. Postage 60 cash.

Translated by

TONG-AKÜ,
Chinese Interpreter.

* This sentence is obscure and not understood by the Translator.

STEAMER *Imperatrix*, HONGKONG HARBOUR,
MONDAY, 12th November, 1860.

SIR,—I have the honor to request you to lay this letter before the Executive Council.

Had my health permitted me to offer myself to the Council for examination in reference to the Civil Service Inquiry in which they are now engaged, I should have done so; but I am quite unable to leave this ship, which sails for England to-morrow.

I learn however from Mr. May that some of the ancillary subjects of the Inquiry involve either directly or by implication charges against him, firstly, of acting in a hostile spirit (I presume maliciously) towards Mr. Caldwell, and secondly, of withholding from government valuable information touching Mah-chow Wong's guilt, which he nevertheless furnished to the newspapers.

I trust therefore that I may not be considered presumptuous or impertinent, if, in compliance with Mr. May's request, I offer to the Council this my written testimony on the above charges.

I was Chief Magistrate of the Colony for two years and seven months; I was a member of the Caldwell Inquiry Commission, and I was the committing Magistrate in the case on which Mah-chow Wong was tried and convicted. I have had therefore the fullest opportunities of becoming acquainted with Mr. May's character generally, and especially in reference to the proceedings against Mr. Caldwell and Mah-chow Wong.

My opinion of Mr. May's character and conduct is fortunately on official record in the printed Minutes of evidence of the Caldwell Inquiry Commission (last paragraph of page 87 and first paragraph of page 88), and in a letter written by me as Chief Magistrate (No. 42 of the 11th October, 1858) to the Colonial Secretary; and as regards the latter I may mention that it was written without the solicitation, suggestion, or knowledge of Mr. May.

It will be sufficient for me now I hope to state, that I most strongly and confidently re-enunciate the opinions expressed in the documents referred to. Recent experience has only strengthened my belief in their correctness. Mr. May has doubtless in word and deed often shewn strong disapproval of the acts of which he supposed Mr. Caldwell to be guilty—and no honest man, in his position in relation to Mr. Caldwell, so believing, could have done otherwise; but he never, to my knowledge, exhibited malice or vindictiveness.

With every feeling of respect for the Council,

I have, &c.,

(Signed) H. TUDOR DAVIES.

To the CLERK OF COUNCILS,
&c., &c., &c.,
Hongkong.

Mr. May's rough Notes.

Low Ashuey was here at the time of the procession but went home.

Kum-yu-loong stamp on the book.

7 year 12 month 1 day.

15 day 12 month 7 year paid \$25.

20 " 12 " 7 " " 25.

16 " 1 " 8 " " 50.

17 " 2 " 8 " " 50.

18 " 3 " 8 " " 50.

14 " 4 " 8 " " 50.

11 " 5 " 8 " " 50.

17 " 6 " 8 " " 25.

8 " 10 " 8 " " 50.

4 " 12 " 8 " " 25

and after that he never paid, saying he was waiting to get another partner.

Assow says I have collected the rent since Sum Ahing had the Kwong-fook about two years ago,—he never paid rent until he owed about 800 dollars,—nearly about the time of his going into it was the Chinese new year.

Low Ahshuey was Williams' Compradore,—employed Assow. Some rent was paid by Sum Ahing, which was paid to Low Ahshuey. The present people are no relatives of Sum Ahing.

Low Ahshuey told Assow that the owner of the house owed him money, and he got the rent to pay interest upon the money owing.

Assow says I do not know who the house belongs, or the land;—I do not know Wong Acheong.

Payments made by the present tenants—Loong-sing-lye.

5 month, 15 day 10 year \$45.

6 " 16 " 10 " 45.

7 " 19 " 10 " 45.

The Statement of Ing Asoong, a youth apparently of the age of nineteen, a native of Chem Chow.

On the 6th of December last I left my native place with 124 others in a Junk for Hongkong with the intention of proceeding to the Betel-nut producing country on the coast of Sumatra. We reached Hongkong on the 8th, and removed to a passage-boat that was about proceeding to Macao: from which place we were to take passage in a Foreign ship, which was about proceeding to the Straits. On the same day some Police Officers came on board the passage-boat, and took the whole of us on shore, and lodged us in the Police Station, and some of us were examined by the Authorities at the Police Court. We were detained in custody until the 15th of December, when we were all discharged, except five, who were detained by the Magistrate. After our discharge we were taken by the master of the Junk which brought us to Hongkong, and an Interpreter named Koo Aye to the house of one Shum Ahing of the Quong-fook Hong. We were 120 in number, and we remained in Shum Ahing's house until the 26th of December, when Shum Ahing informed us that he had provided vessels to take us back to our native place. Being strangers in Hongkong, and alarmed at being taken into custody, we were very glad to have the opportunity of returning to our native place. We were accordingly sent on board of two vessels; 44 of my companions and myself, being on board of one vessel, and the remainder on board the other vessel. Shum Ahing himself, and several other Chinese were on board of our vessel. Our vessel left the harbour in the morning. We were all placed below, and about midnight on the 27th the vessel anchored, and we were desired to come upon deck, and go ashore. When I came upon deck I was surprised to find that we were at some strange place, and that it was not our native district. Four small boats were provided for us, and we were told we must land. We landed and we were all taken to a Chinese house, called the Sun Fook Thai, where we were all supplied with food, and where also we found Shum Ahing and his party. The next morning seeing a number of men let out to wash, and observing several foreigners looking after them, we discovered that we were in a Barracoon. We reproached Shum Ahing for bringing us into such a place, and many of us began to cry. The Foreigners seeing this, beat some of us, and told us to keep quiet. They told us also not to be afraid, that we should get good food where we were going to, and 4 dollars wages per month. Some Chinese told us that we should be taken before the Authorities, and they enjoined us when we were questioned by them, to nod our heads. They told us also, that if we did so we should receive 2 dollars each, but that if we refused to nod our heads we should be severely beaten. We were kept within the Barracoons for 3 or 4 days; during which time Shum Ahing, and the other Chinese of his party, frequently came to the Barracoons, and tried to persuade us, that we should all greatly benefit by the change. Some foreigner also came, and examined us; 33 of our number including myself were retained in the Barracoons, and the other 12 were removed to some other place. I do not know what became of the other vessel containing the remainder of our party, none of whom have I since seen, or heard of. After about 4 days we were all—33 in number—taken before the Authorities, and when they asked us if we wanted to go, we did as we were told, and nodded our heads, being afraid if we did not do so we should be flogged, and besides we are ignorant of the foreign customs. We were escorted to the house of the Authorities, and back to the Barracoons by several Chinese and Portuguese.

On returning to the Barracoons we were removed to the upper floor; before this we had been placed with others on the ground floor. After we had been taken upstairs, we saw nothing further of Shum Ahing or his party. There were upwards of 400 men in the Barracoons. Among my 33 companions I had a relative—his name is Ing Aseen—and among the 12 who were removed to some other place, and whom I have not since seen, I had another relative, named Ing Atuk.

I remained in this Barracoon until the 10th January. During the whole of this time we were permitted to go down into the yard to walk about every day, and I observed that a back door was occasionally left open, but shut when we came down.

On the afternoon of the 10th I noticed that this door was open, and when called to dinner, I declined to go, and watching my opportunity, I made my escape out of the Barracoon through this door and went to the water side. There I asked to be taken to a Hongkong passage-boat, and on arriving on board I told my story to a passenger, who was kind enough to pay my passage to Hongkong where I arrived on the 12th instant. I went to Shum Ahing's house, and demanded of him my two relatives. He appeared surprised to see me; asked me when, and how I came away, and got very angry with me, telling me that he would get a Portuguese (who was then present in Shum Ahing's house) to seize me and take me away. I ran away, and complained to the Protector of Chinese. The Portuguese who was in Shum Ahing's house I recognised again to-day in a house to which I was taken by the Protector of Chinese.

I feel confident that my 32 companions, whom I left in the barracoon at Macao, are all detained there against their will, and that they would never have gone to such a place had they not been deceived, and entrapped into doing so by Shum Ahing in the manner I have above stated.

(Signature of Ing Asoong) *His + Mark.*

The above statement made before me this 19th day of January, 1860.

(Signed) *D. R. CALDWELL,*
Protector of Chinese.

C. M. No. 447.

P. S. No. _____

THE COLONY OF } THE INFORMATIONS of WITNESSES and the STATEMENT of the DE-
HONGKONG } FENDANT taken on behalf of Our Sovereign Lady the QUEEN on the 21st, 26th, 30th,
TO WIT. } and 31st January, and 6th, 7th, and 9th February, 1860, at the Chief Magistrate's

Office, before W. H. Mitchell, Esquire, one of Her Majesty's Justices of the Peace for the said Colony: the said Informations given in presence and hearing of Shum Ah-hing, 44, of Ka-ying-chow, master of Kwong-fook Hong; Loo Ah 'Ng, 22, of Ka-ying-chow, Cook. The said Defendants charged before the said Justice, for that the said Defendants, on or about the 26th December last past, at Victoria, did unlawfully kidnap and embark one 'Ng Ah-soong and one Kwon-sun-kwong on board of a certain boat, in the harbour of Victoria, aforesaid, in order to their being dealt with as slaves. And the Defendant Shum Ah-hing committed for trial at the next Criminal Sessions of the Supreme Court to be held in Hongkong aforesaid.

2nd Defendant discharged.

Commenced 21st January.
Remanded to 26, 30, 31, Feb. 6, 7.
Warrant No. 15.
Concluded 9th February.



C. M. Court, No. 447.
Warrant, No. 138.
P. Sessions, No.
Warrant, No.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

Minutes of Proceedings in the Cause in which 'NG AH-SOONG, is Plaintiff; and
1. SHUM AH-HING, 44, of Ka-ying-chow, Master of Kwong-fook Hong, } Defendants.
2. LOO-AH-'NG, 22, of Ka-ying-chow, Cook, }

MEMORANDUM.

DATE.	SPECIFICATION.	AMOUNT			DOLLARS.	DOLLARS.	RUPERS.	CASH.	STERLING.
		IN	IN	IN	In Bank				
		£	s.	d.	Notes.	At Silver.			

Saturday, 21st January, 1860.

James Jarman, on behalf of D. R. Caldwell, Esq., at present not in the Colony, charges the Defendants with others not in custody, of forcibly carrying away 44 Coolies from Hongkong, and disposing of them to a Coolie Dépôt at Macao, on or about the 28th ultimo.

I pray for a Remand.

Defendants are R. for R. 20th instant.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Thursday, 20th January, 1860.

Prisoners in Court.

Defendants further remanded to Monday next.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Monday, 30th January, 1860.

Case further remanded to to-morrow.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Tuesday, 31st January, 1860.

Prisoners in Court.

'Ng Ah-soong.—I was one of the 120 men who were brought to Hongkong in a passage-boat from Kapchee, and transferred from it to a Macao passage-boat in the harbour, under pretence of being sent to the Betelnut Straits (Malacca) on good wages. We were released from the latter on the 8th December ultimo, by the Police. The five persons who had kidnapped and brought us from Kapchee, were brought before this Court, and we were on the 14th ultimo, set at liberty by the Court. Upon leaving it Koo-ah-see, the Fokien Interpreter, and the 1st prisoner conducted us to the Kwong-fook Hong, belonging to the 1st prisoner. It is a Kapchee Hong, we were all lodged there, and after 8 or 9 days, 45 of us, myself included, were taken by 1st prisoner to a boat lying off the Hong. Koo-ah-see was present. We were given to understand by the former that the boat would convey us to Kapchee. We left the harbour about noon on the 26th ultimo, and on the night of the 27th, instead of the boat going to Kapchee, she took us to Macao. Immediately upon getting there, the 1st prisoner conducted us to a Barracoon called "Sun-fook-tie," at between 11 and 12 o'clock at night. The 1st prisoner was with us and informed us that we should have pork and good food. Upon awaking on the following morning, and seeing a great number of persons in the place, all men, I suspected that it was a Barracoon. There were 2 females there, but they appeared to me to belong to the Establishment. During the day I heard the Chinese Brokers in the Barracoon say that we had been purchased at

\$27 a head. We remained in it until the 9th January, and during that period several times remonstrated with the 1st prisoner for placing us in it. On every such occasion he called to the overseers to flog us, and they beat some of us with rattans, and confined others in rooms. On the 8th January our persons were examined by two foreigners, one of them was a Doctor. 32 of our number were then selected for the purpose of being retained at this Barracoon, and the remaining 13, including myself, were set apart for transfer to another Barracoon called Wo-shang; but before the removal took place on going out to obey a call of nature on the following day, I availed myself of the absence of the overseer and made my escape from the "Sun-fook-tie" Barracoon. I repaired immediately to the waterside, and succeeded in getting a small boat to convey me to a passage-boat, where I met with a friend who paid for my passage to Hongkong. He took me to his place on our arrival. Two days afterwards hearing of the 1st prisoner's return from Macao, I went to him accompanied by my friend, and demanded from him the release of two of my relations, who had been taken to Macao at the same time with me. A foreigner was with the 1st prisoner, and the defendant abused me and threatened to have me seized by the foreigner. My friend and I then went to Mr. Caldwell and I represented the case to him. After this, the two prisoners were apprehended, and I accompanied Mr. Caldwell to Macao, where I pointed out 5 of the 44 men, who were kidnapped along with me. Four out of the 5 were in one Barracoon, and one in another Barracoon. The 32 men who were retained at the Sun-fook-tie Barracoon, I saw in a boat with others after landing at Macao with Mr. Caldwell. I do not know what was done with them.

'Ng Ah-soong's + mark.

Taken and acknowledged before me this 2nd day of February, 1860.

(Signed) W. H. MITCHELL, J.P.,
Acting Chief Magistrate.

Kwon Sun Kwan, on the 8th of December last I arrived at Hongkong with 124 others, for the purpose of going to the Betelnut Straits (Malacca). On the same day we were all brought on shore by the Police. Five of the 125 men were retained by the Magistrate, and the remaining 120 including myself were, after being released, taken by the 1st prisoner to his Hong called the Kwong-fook. On the 26th December we were told that we were to be sent back to Kapchee. 1st prisoner told us so. On that day he put 45 of us on board of a boat. I was of the number. 1st prisoner was also on board. We left Hongkong under a belief that we were returning to Kapchee, but on the following night we found ourselves at Macao. We were taken ashore and conducted to a Barracoon. 32 of our number were sold at this place. Four, myself being one of the four, were sold at another Barracoon. One more at another Barracoon, what became of the remaining eight men I cannot say. We were sold and detained against our will. We remonstrated with the 1st prisoner for selling us as Pigs, but he gave us to understand that he would do so. 'Ng Ah-soong came to Macao with the Foreign Mandarin (points to Mr. Caldwell) and released me.

Kwon Sun Kwan's + mark.

Taken and acknowledged before me this 2nd day of February, 1860.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

D. R. Caldwell, states,—I am Protector of Chinese, on the 16th January, the first witness 'Ng Ah-soong was brought to me, and complained that he and 44 other Chinese had been taken away from Hongkong, on 26th ultimo, by a man named Shum Ah-hing and others, and sold to the Barracoon keepers at Macao; that he himself had made his escape and returned to Hongkong.

On the 18th January, the complainant 'Ng Ah-soong pointed out the 2nd defendant, who was passing by in the street coming down from the Magistracy, as one of the parties concerned in his abduction. I immediately arrested the 2nd defendant. The 1st defendant Shum Ah-hing, I was at that time aware, was in the custody of the Sheriff in Jail under a Civil Writ. On the evening of the 19th January, the 1st defendant, much to my astonishment, came to my house with a view to explain to me the circumstances under which he had been arrested. I gave him to understand that I had a charge of a serious nature against him, connected with the carrying off of 45 men from the Colony and selling them to the Barracoons at Macao and that he must consider himself as my prisoner. I immediately sent for a Police Constable and gave 1st defendant into custody. On the 19th instant, I took the statement of the complainant 'Ng Ah-soong in writing which I forwarded on the following day for the information of His Excellency the Governor. I received instructions to proceed to Macao with a view to obtaining the liberation of the kidnapped men, and was furnished with a letter upon the subject from His Excellency to the Governor of Macao. I arrived at Macao on the afternoon of the 21st ultimo, accompanied by the complainant 'Ng Ah-soong, and a friend of his who was acquainted with the Barracoons at that place. On Monday morning, the 23rd instant, after presenting the letter, I accompanied the Procurador of Macao on a visit to the Barracoons. At the Sun-fook-tie Barracoon, I ascertained that 32 men answering to the names and description given by 'Ng Ah-soong, had been shipped two days previously for Cuba by Mr. Boye in the French ship *Emilie Pireire*. We then called at the Barracoon called Wo-shang, containing about 400 Coolies. As soon as we appeared four of the Coolies came forward and spoke with 'Ng Ah-soong, and corroborated the statement made to me by him of their having been kidnapped and sold. The next day 'Ng Ah-soong having informed me that some others of the kidnapped people were in another Barracoon, he was sent there in company of a Police Constable, and returned with one man, who made a similar statement to that received from the four previously released. These 5 men were subsequently delivered over to me by the Governor of Macao upon my agreeing to reimburse the Barracoon keepers for the expenses that had been incurred on their account.

(Signed) D. R. CALDWELL.

Taken and acknowledged before me this 2nd day of February, 1860.

Remanded to Monday next.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Monday, 6th February, 1860.

Case further remanded to to-morrow.

Loo-ah-'ng is discharged.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Thursday, 9th February, 1860.

First prisoner, *Shum A-hing*, duly cautioned, states,—I am the master of the Kwong-fook Hong. I have been in this Colony as a trader for 13 years. On the 16th December last, a man named Lee-pong, the master of the Kapchee passage-boat, took 125 men to my Hong, and begged me as a favor to allow these men to stay there for a few days, for which he would pay me 10 taels of silver per diem, subsistence money until his boat was ready to carry them back to Kapchee. On the 22nd December the same man took 75 of the 125, out of my Hong, on board his boat and carried them, I believe, to Kapchee. This draft left only 42 in my Hong. At the request of 'Ng Attuck, the complainant against me, and Chui-yaong-fan, the two Coolie brokers in the case, I gave them up the 42 men and they put them on board to go to Macao,—that was on the 25th. *I accompanied them myself*. Our object was to see if any one there would advance money to enable "these 42 to go" to Betelnut Straits and the brokers' charges, and my claim for their subsistence. As they could not find any one to advance the money, the brokers were compelled to sell them to the "Sun-fook-tie" Barracoon. They, the 42, were all taken before the Macao authorities, accompanied by the Barracoon master,—I did not go, I remained at the Barracoon. The brokers informed me, when the men came back, that they were all willing to go. I don't know how much the broker got for the 42. I received \$163, being my claim for subsisting them here. This was my claim against the whole 125 for mere maintenance—in addition to which I advanced the Kapchee Captain 30 taels, for the passage money home of the 75—8 of the original batch ran away here. 'Ng Attuck, the broker, gave his brother (the complainant against me) \$30 to take home to Kapchee, that money was part proceeds of the Coolies. It was arranged that he, the present complainant, should come over here and take service with me,—instead of that he remained behind at Macao, and spent the money at brothels and gaming tables. He came over here destitute and begged me to lend him \$30 which I refused. He thereupon accused me of being concerned in selling the Coolies.

典亞沈

Defendant stands committed to take his trial before the Supreme Court for kidnapping.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

[No. 43.]

Commenced 29th June.

Remanded to Warrant No.

Concluded 29th June.



C. M. Court, No.
Warrant, No.
P. Sessions, No. 843.
Warrant, No. 115 and 116.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

Minutes of Proceedings in the Cause in which WING AFOOK, Fish Monger, is Plaintiff; and

- | | |
|---|---------------|
| 1. 'NG CHENG CHEONG, 51, of Namtow, master of No. 9 fresh fish stall, | } Defendants. |
| 2. CHU ATYE, 46, of Namtow, Do., No. 4 Central Market, | |

MEMORANDUM.

DATE.	SPECIFICATION.	AMOUNT.	DOLLARS.		RUPEES.	CASH.	STERLING.
			In Bank Notes.	In Silver.			

ADJOURNED PETTY SESSIONS.

Wednesday, June 29th, 1859. *

Wing Afook, duly cautioned states,—I am the holder of a fresh fish stall in Central Market. The 1st and 2nd defendants have been in the habit of demanding Market fees from me, as in the time of Mah-chow Wong. On the 27th of April last, they both came and demanded 150 cash from me as the fee for that day. I paid it on that occasion and have an entry of it in my book,—I then told them I would pay no more. On the 26th of May they came again, and demanded "at least 200 cash." I refused and they carried away my fish there and then, value 1,300 cash. I remonstrated and they returned the fish, and said they were not afraid even though I might complain to the Magistrate. I know these two men to be the former partners and friends of Mah-chow Wong. The fees they now demanded were always levied and collected by them in his time.

On the 24th of this month they came again and demanded the same fee, and threatened again to carry away my fish, but did not as I told them I would complain.

I have no charge against the 3rd and 4th prisoners, who are discharged.

Cheng Kong Kee, duly cautioned states,—I know the two prisoners at the bar; they have been the collectors of fees for 10 years in the Markets here under Mah-chow Wong. I know them to be his representatives and successors. On the 24th of this month they levied upon me a custom fee of 200 cash or 20 cash per 1,000. In Mah-chow Wong's time they used to collect 60 cash a 1,000. The fish which I bought on that day did not pass through their lan, nor was there any occasion for its doing so.

On the 22nd of June they actually carried away 12 catties of fish from my stall, because I refused to pay this fee and kept it to their own use.

(Defendants here state that complainant has not given them any money for 2 months.)

Defendants examined:—stand convicted of two separate acts of larceny on the 26th May, and 22nd of June and are sentenced to be publicly flogged in the Central Market each 2 dozen strokes and imprisoned with hard labor for three calendar months. The defendants also stand convicted of 3 separate acts of attempting to raise money upon false pretences, and of twice succeeding in the same attempts and are sentenced to be imprisoned, with hard labor 3 calendar months for each offence. All these penalties to be accumulated.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

Monday, 27th June, 1859.

Information and complaint of *Wong Afook* who being warned states,—I am owner or holder of a fresh fish stall at the Central Market. On 24th instant a man called Wong-shek-pan, who has taken the place of Mah-chow Wong as headman of the Fish sellers in the Market, came to me at my stall and demanded 200 cash as a fee due to him. The Fish sellers have been accustomed to pay a fee of 20 cash per thousand; it was formerly collected by Wong-shek-pan and 2 others in behalf of Mah-chow Wong, and since Mah-chow Wong was imprisoned Wong-shek-pan has continued the collection. I have paid him often, and on 25th day of the 3rd month I paid him I think it was 150 cash upon his demanding the same of me. On the 24th instant, I refused to pay him any money because I could not afford it, and further I knew he had no right to it, on this occasion he threatened to carry away my fish, saying, "if you do not give me the money the next time I come, I shall take away your fish." My stall is No. 19.

(Signed) 溫福
WING AFOOK.

Taken and subscribed before me the 27th day of June, A.D. 1859.

(Signed) C. MAY, J.P.,
Acting Assistant Magistrate.

具稟民中環市魚檔七位等
陳廣記十五號
爲事各有主安分營生乞恩
准原宥以免日用重納事切民
中環市內魚檔第十二號第十
五號第十九號第二十八號第
三十六號第四十號第四十三
號共七位原係市內第十二號
舖陳連芳欄主生意該有魚艇
伍隻朝晚自經出海販賣魚蝦
來自己魚檔分給與各件所賣
不用經別舖魚蝦亦不用經別
舖秤尺然事各有主不能別舖
迫民納用錢雖然日中用錢有
限而規矩殊不合式亦不能重
交重納祇得歷情葡叩 廉階
稟明在案倘日後別舖人再敢
向民七位魚檔等收此用錢者
民即請 貴差捉拿到 公堂
以明質訊毋致互相爭競誠爲
不美矣沾
恩切赴
大老爺臺前恩准作主施行
己未年 五月 日稟

(Translation.)

To the HONOURABLE MAGISTRATE.

The petitioners Chun Kwong Ke and six other Fish stall holders beg humbly to make the following statement:—

Your petitioners are holders of Fish stalls, in the Central Market, Nos. 12, 15, 19, 28, 36, 40, and 43: the business of which belongs to Chun-leen-fong, master of Lan No. 12, in the said Market. He owns five Fish boats which used to go out to sea, morning and evening, to buy Fish and Shrimps to supply above mentioned stalls with same for sale. It needs neither supply of Fish nor weighing scales from other shops. Every business has its owner, and no other shops have right to compel your petitioners to pay cash as commission. Although the daily payment as commission is not much, yet the customs are not right and it is not right too that they should pay doubly. Your petitioners have come therefore before your Worship, submitting their case into your Worship's consideration and stating clearly that hereafter if there be any other shops who will compel your petitioners to pay cash as commission, your petitioners shall immediately

call for Police and have them arrested and brought up to Court to be clearly examined in order that no quarrel or bad occurrence shall result from it.

9th Year, 5th Month, without day.

Translated by

(Signed) HO ALOY,
2nd Chinese Interpreter.

具稟民
中環市魚檔七位等
爲事各有主安分營生乞恩
准原宥以免日用重納事切民
中環市內魚檔第十二號第十
五號第十九號第二十八號第
三十六號第四十號第四十三
號共七位原係市內第十二號
舖陳連芳欄主生意該有魚艇
數隻朝晚自經出海販賣魚蝦
來自己魚檔分給與各件所賣
不用經別舖魚蝦亦不用經別
舖秤尺然事各有主不能別舖
迫民納用錢雖然日中用錢有
限而規矩殊不合式亦不能重
交重納祇得歷情葡叩 廉階
稟明在案倘日後別舖人再敢
向民七位魚檔等收此用錢者
民卽請 貴差捉拿到 公堂
以明質訊毋致互相爭競誠爲
不美矣沾
恩切赴
大老爺臺前恩准作主施行
已未年 五月 日稟

具稟民
中環市魚檔七位等
爲事各有主安分營生乞恩
准原宥以免日用重納事切民
中環市內魚檔第十二號第十
五號第十九號第二十八號第
三十六號第四十號第四十三
號共七位原係市內第十二號
舖陳連芳欄主生意該有魚艇
數隻朝晚自經出海販賣魚蝦
來自己魚檔分給與各件所賣
不用經別舖魚蝦亦不用經別
舖秤尺然事各有主不能別舖
迫民納用錢雖然日中用錢有
限而規矩殊不合式亦不能重
交重納祇得歷情葡叩 廉階
稟明在案倘日後別舖人再敢
向民七位魚檔等收此用錢者
民卽請 貴差捉拿到 公堂
以明質訊毋致互相爭競誠爲
不美矣沾
恩切赴
大老爺臺前恩准作主施行
已未年 五月 日稟

349, QUEEN'S ROAD, June 29th, 1859.

SIR,—In the matter of Wing Afook, Plaintiff, and 'Ng-cheng Cheong and Chun' Atye, Defendants, I have the honor to request that you will be pleased to sign and state a case setting forth the facts of the said matter and the grounds of the said determination for the opinion of the Supreme Court therein.

I remain, &c.,

(Signed) WILLIAM T. BRIDGES,
Counsel for the said Defendants.

W. H. MITCHELL, Esq.,
Acting Chief Magistrate.

Application granted at 1.30 P.M., June 29th, 1859. Recognisances to be entered forthwith.

(Signed) W. H. MITCHELL.

Further condition for personal appearance under No. 4 of 1858, Sec. 4.—Each Appellant in £500, and 2 Sureties in £250 each.

(Signed) W. H. MITCHELL.

June 30th, 1859.

PETTY SESSIONS, CASE No. 843.

Stated pursuant to Sec. 2 of Ordinance No. 4 of 1858, for the opinion of the Supreme Court of Hongkong.

'NG CHENG CHEONG, and CHU ATYE alias "the Tiger without Teeth," }
Partners in the KEEKEE, or MAH-CHOW WONG Firm of Fresh } *Appellants.*
Fish Brokers, }
Central Market, }
WING AFOOK, Fresh Fish Stall-keeper, Central Market, }
do. } *Respondents.*
CHEONG-KONG KEE, do.

On Monday, the 27th of June last, three "Fresh Fish Stall" holders of the Central Market appeared before Charles May, Esquire, the Sitting Magistrate, and presented each a petition (appended) and explained verbally to the effect, that Mah-chow Wong's representatives and successors still kept up the old system of the exaction of fees in the Central Market, and by the old means of intimidation and violence, the amount only of the exaction being changed, being abated from 6 per cent to 2 per cent. Mr. May accordingly ordered a formal information to be laid against the parties by one of the petitioners, (the first respondent) and thereupon and under his (the Sitting Magistrate's) Warrant the present appellants were brought before me on Monday, the 29th June, as Chairman of and constituting the Court of Petty Sessions.

Wing Afook, the first Respondent, corroborated the complaint and information appended, see exhibit A, and gave the further evidence set forth in my notes of the case, also appended, (exhibit B.) There was paramount reason why I should believe his statement of the case to be a true one, viz., that he made it and knew he made it at the possible risk of his life. It is in evidence before me in another branch of this same case, in which a partner of the present appellants was convicted by me on the 2nd instant of the same offence, that the complainant was threatened by the exactor that he should have "his face washed" the Triad Society's slang for being put to death by drowning, if he demurred to the exaction. I could not look upon this as a mere idle menace, knowing as I do, that the Keekee Hong has been for years past, at the head of our local fisheries, the most powerful confederacy of Triads and Pirates in these waters, and continued so to be openly up to the conviction of its principal member as a pirates' associate, and continues so still covertly, and with its means of vengeance, active as ever. I therefore repeat my conviction that the complainant *Wing Afook* knew that he made his complaint at the possible peril of his life. I felt convinced that one of the very last things he would choose to do, would be to enter the witness box, and place himself in overt hostility, to that powerful confederacy which still rules by terror in the Central Market. I believed his unsupported statements accordingly, and founded my conviction upon them.

Towards informing the conscience of the Court above sufficiently upon the issue now presented the following explanation becomes necessary.

In the organization of the new market system, it was suggested to the Legislative Council, and carried out in the Market Ordinance No. 9 of 1858 that Lans or wholesale entrepôts, should be set apart in each Market, into which the various commodities might be daily brought in bulk, and purchased therefrom, in convenient quantities by the retail dealers or "stall-keepers" within the Market, without at the same time precluding the retail dealer from procuring his supplies outside the Market, if he found it more to his advantage to do so. Thus there was a vegetable Lan, a salt fish Lan, a fresh fish Lan, and a Lan or Entrepôt for each main necessary of life, coming under the head of food for man. These Lans were provided by the Legislature solely for the supposed convenience of the retail dealer, and the Lan holder was entitled by the Ordinance to levy a commission of 2 per cent on the commodity which passed through his lan to the retail stall. The Ordinance does not make it imperative upon the retailer to buy from the Lan, its words are, "Lans shall be set apart, whereat dealers having stalls or shops in such Market may purchase their supplies." It simply secures the Lan holder the advantage of the nearest position in the Market, to the retailer, but leaves their dealing together or not a mere matter of election on the part of the stall-keeper.

Such were the original uses and position of the Lan, and I now proceed to enquire how far the Appellants may be reasonably presumed to have known that position and the limit of their license as Lan renters, for I waive entirely in their favor that constitutional maxim which presumes them to know the Law. If I had not had sufficient grounds to suppose them to be fully cognizant of the Market Law, how far it authorized and at what point it barred their purposes, I should not have held myself justified in punishing them.

Fortunately for the ends of justice, it did so happen that the question of the Lan holder's privilege, and the precise extent of it, was raised and determined almost immediately after the opening of the New Markets.

On the 29th of October, 1858, Ling Akwong, Cheang Akwok, and Wong Sam appeared before the Court of Petty Sessions to answer the complaint of Wong Chuen-tuck and Mow Cheong-loong for infringing their privilege as "Live Hog Lan" renters of the Central Market by selling live hogs outside the Market. The undersigned, the Surveyor General, and the Colonial Treasurer constituted the Bench upon that occasion. The issue was obviously an entirely different one to the present, it was a purely local and specific question, and was dealt with accordingly. But it did so happen that in course of the argument upon it, the general question, as to the rights and privileges of the Marketeer of every grade under the New Market Ordinance, was raised and discussed—especially the question—"Is the Lan holder, by virtue of his license entitled to levy a percentage of 2 in the 100 on the stall-keeper, whether the commodity pass through his Lan or not?" The Surveyor General speaking both as the Official Administrator of the Markets, as well as from his experience as a Member of the Legislative Council which enacted the Law, declared that the very reverse was the intention of the Legislature—that the first and last object of the change of system, was to cheapen the price of provisions by imposing every check upon monopoly which could be devised—that with that very view these Lans were established as Depôts, into which the various produce could be poured in bulk, so that the very accumulation might cheapen it, without for a moment debarring the retail dealer from collecting his supplies outside, if he found it more to his advantage, which was only the public advantage, in another form. Mr. Cleverly urged that the Lan holder secured in return for his Lan license fee of \$20 per month the best and nearest position to the retail dealer, who, seeing the very goods he wanted heaped in fair supply on the spot, would probably find it his interest to buy there, rather than send outside for them to their place of growth or production. Such was the position of the Lan holder as contemplated by the Legislature, but that the Lan holder should suppose for a moment, that because he paid a Lan rent of \$20 a month to Government, he was authorized to levy a rate of 2 per cent on the whole of his special commodity that entered the Market, whether it passed through his Lan or not, was a thing never for a moment contemplated by the Legislature. Mr. Anstey who drafted the Ordinance and who

happened to be present (taking part in the discussion, simply as *Amicus Curiae*) corroborated Mr. Cleverly's exposition of the intentions of the Legislature, and pointed the attention of the Bench to the force of the word "may" used in the 11th section, "may" as distinguished from "shall" or "must"—"*may* purchase their supplies of the said articles." In the eyes of the Chinaman himself such a privilege would be simply a preposterous right of squeeze at a ridiculously cheap rate. His Lan with that monopoly attached would be cheap at \$100 a month instead of \$20. It will appear presently that whereas the Government let the fresh fish stalls at a rent of \$1½ per month each with the benevolent view of cheapening that food, this squeeze of 2 per cent if levied, whether the commodity passed through the Lan or not, would amount per month to double the Government rent! It is thus sufficiently obvious that the Legislature never could have contemplated licensing a Lan, for a fee of \$20 a month, to levy 2 per cent indiscriminately on the gross incomings of each of the 48 stalls. The average receipts of each are about 150,000 cash per month. 2 per cent thereupon, at the present exchange, gives \$3 per month upon each stall, or double the Government rent!—giving each Lan \$144 per month returns for a fee of \$20! There are only two fresh fish Lans in the Market and they happen to be confederate; but assume them to be independent as they might have been or assume that there had been a dozen Lans instead of two, in that case *each* Lan would then be entitled, upon the plea set up, to levy a separate 2 per cent, *i.e.*, unless the Mah-chow Wong Lan can shew some special privilege.

I accordingly came to the conclusion that the Keekee Lan knew well that the limited license which they held from Government never could have covered anything so preposterous. I hold them to be as capable of *reasoning* upon any given position affecting them and with as much astuteness as any European in this Colony. I hold that the first thing a Chinaman does in respect of every bargain and sale in which he is concerned is to look at it under the view of *quid pro quo*—and under that view the following position must have presented itself to the mind of the Keekee associates:—

"The Government let out the 48 fresh fish stalls of our market at the low rent of \$1½ per month per stall. They do this obviously to keep fresh fish as cheap as possible, for we know and they know that they might get treble that rent for the stalls.

"They let out the only two fresh fish Lans to us at a fixed rent of \$20 per month each, while we know and they know that we were ready to pay more for them. It is likely they would permit us, *if they knew it*, to levy a percentage of 20 cash per 1,000 or 2 per cent on these stalls, whether the fish pass through our Lan or not, when such a percentage amounts to \$3 a month upon each stall at the average monthly sales of each—that is to say amounts to double the Government rent! No, this is not the way to cheapen, and therefore we dare not bring our claim into Court to enforce it. We can only levy it upon the false pretence of our Lan license—upon the ignorance of the stall-keepers, and by the prestige and machinery of the old Keekee."

But, fortunately again for the ends of justice the Appellants in this case were not left, to infer the law, or to argue it out for themselves by *a priori* reasoning.

After disposing of the specific case of 29th October, 1858, already referred to, I took advantage of the great concourse of Marketeers whom the issue in question had attracted to the Police Court, to explain to them their respective positions under the Ordinance as regarded this commission of 2 per cent. I explained in the most public manner, that the stall-keeper was at liberty to buy his commodity, wherever he could buy it cheapest,—that if he bought it from the Lan-keeper, he must pay him 2 per cent warehouseman's commission, on the amount purchased but if he preferred to send out his skiff as before to the various fishing grounds around the island and buy from the fishing boats direct, there was nothing to prevent his doing so. I explained this more than once, and the Market people left the Court thoroughly understanding it and accepting as the law of the Market, all save one particular copartnership, as will appear by-and-by, —that they did so understand it, is apparent from the fact, that no other Lan of any class in the Market—flesh, fruit, vegetable, or *cured* fish Lan, aggregating in the Central Market alone 12 Lans ever attempted to levy this percentage unless the commodity had passed through their books! In adjudging accordingly the guilt or innocence of the Appellants in the present case I asked myself the question—Are the keepers of these two fresh fish Lans, the old and well known Keekee firm, pursuing a different course to all the other Lans in the Market, in their ignorance of the Law they are breaking (with the suspicious adjunct that the ignorance pleaded on their behalf is filling their coffers with unlawful gains!) or are they, as genuine successors of their notorious master, carrying out his old system of extortion under a colourable pretext of law, adroitly, moulding it to their purpose by taking out a license for a Lan? Did they say to themselves—"this license authorizes us to levy a commission of 2 per cent on all fresh fish that shall pass through our Lan,"—"under color of that authority and under the machinery of the old Keekee, we shall make the ignorant stall-keepers believe that we are entitled *by law* to that same 2 per cent whether their fish pass through our Lan or not."

It is particularly worthy the attention of the Court above to note that unless the commodity pass through his Lan, the Lan holder has no possible means of ascertaining the precise percentage accruing upon it. He knows neither its weight nor its value, it may be more, it may be less. I mean of course lawful means of ascertaining. This is a difficulty that would have been insurmountable to ordinary minds, but the genius of Mah-chow Wong still reigning supreme in his "Keekee firm" tramples upon difficulties. The Keekee met it thus—Amongst the 48 fresh fish stalls of the Central Market, there were only seven recusants. It is a notable fact that none of the supplies even of the 41 assentients passed through the Keekee Lan, but for all that the holders paid uncomplainingly, believing they were obliged to pay by law:—But how to ascertain the receipts of those seven recusants was the difficulty. The Keekee confederacy solved it in a manner at once, simple and effective. Their accountant attended by a coolie carrying a cash purse, went round the stalls of the seven recusants, at uncertain intervals, tumbled out the tills and cash baskets of the stall-keepers, counted their cash, and made a note of it towards helping them to strike an average! Here was a pretty system at work in a Public Market in a British Colony!

In conclusion, I have to state one final reason, which served to rivet my conviction of the guilty knowledge of the appellants in exceeding the limit of their license, and thereby wilfully committing the fraudulent exaction charged against them.—I asked myself the question: Why did not the Keekee associates, familiar as they have been for years with the every day practice, known to the most ignorant Chinese, indeed the very first step in their own judicial system; if they felt they had a legal right to this indiscriminate 2 per cent, not present a petition to this Court setting forth their claim, as an honest claim founded on the Law of the Market, and praying this Court, to enforce it on their behalf against the recusants? Why did they resort instead to intimidation and violence, overhauling the books and monies of the recusants and carrying off their property by force?—to this I could find but one reasonable answer, because they dared

not knowing well the actual limit of their Lan privilege. Upon the several grounds set forth I convicted the appellants of knowingly using their Lan license as a false pretence to exact money from stall-keepers, who dealt not with their Lan. The three instances of 27th April and 24th June were proven to my satisfaction, and for each offence I sentenced the parties to three months' imprisonment with hard labor, the penalties being accumulative. I deemed three instances sufficient though the prosecutor could have proven as many hundred instances, had it been required. His books shew twenty-six separate cases of exaction against the appellants within a single month.

In addition to the three instances of exacting money upon the false pretence of license, there occurred two separate instances of the Appellants forcibly carrying off the Respondents fish. This was proven to my entire satisfaction, and I looked upon such spoliation as a clear case of larceny. The goods were taken by force—taken *invito imperio* and appropriated in one instance, by the spoliators to their own use. For this offence I sentenced the "Tiger without teeth" and his co-appellant to be publicly flogged forthwith in front of their own Lan, by way of exhibiting to the whole market the nefarious character of their past exactions. I punished this larceny under the Petty Sessions Ordinance No. 1 of 1849 inflicting for both offences only one half the amount of punishment due to a single offence.

In my adjudication of the present case I had the benefit of Mr. May's advice and assistance, who entirely concurred with me, in the estimate which I had formed as to the guilty knowledge of the Appellants, in exacting this percentage, under pretence of Lan license—as well as in the *bona fides* of the charge of their carrying off the Respondents fish by force on 26th May and 22nd of June last.

Whereupon I, the undersigned, Justice do now pray the opinion of the Supreme Court of Hongkong, as to whether I was correct in my aforesaid determinations both as to Law and to fact?

Given under my Hand and Seal this 25th day of July, 1859.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

(Translation.)

TO THE HONORABLE MAGISTRATE.

The petitioners Chun Kwong Ke and six other fish stall holders beg humbly to make the following statement :—

Your petitioners are holders of fish stalls in the Central market, Nos. 12, 15, 19, 28, 36, 40, and 43; the business of which belongs to Chun-leen-fong, master of Lan No. 12 in the said market. He owns five fish boats which used to go out to sea morning and evening to buy fish and shrimps to supply above mentioned stalls with same for sale. It needs neither supply of fish nor weighing scales from other shops. Every business has its owner, and no other shops have right to compel your petitioners to pay cash as commission. Although the daily payment as commission is not much, yet the customs are not right, and it is not right too that they should pay doubly. Your petitioners have come therefore before your Worship, submitting their case into your Worship's consideration and stating clearly that hereafter if there be any other shops who will compel your petitioners to pay cash as commission, your petitioners shall immediately call for Police and have them arrested and brought up to Court to be clearly examined in order that no quarrel or bad occurrence shall result from it. 9th year 5th month without day.

Translated by

(Signed) HO-ALOY,
2nd Chinese Interpreter.

(Exhibit A.)

Monday, 27th June, 1859.

Information and complaint of *Wing Afook*, who being warned states,—I am owner or holder of a fresh fish stall at the Central Market. On 24th instant a man called Wong-shek-pan, who has taken the place of Mah-chow Wong as headman of the fish sellers in the market, came to me at my stall and demanded 200 cash as a fee due to him. The fish sellers have been accustomed to pay a fee of 20 cash per thousand. It was formerly collected by Wong-shek-pan and two others in behalf of Mah-chow Wong, and since Mah-chow Wong was imprisoned Wong-shek-pan has continued the collection. I have paid him often, and on 25th day of the 3rd month I paid him I think it was 150 cash upon his demanding the same of me. On the 24th instant I refused to pay him any money because I could not afford it, and further I knew he had no right to it; on this occasion he threatened to carry away my fish, saying: "If you do not give me the money the next time I come I shall take away your fish." My stall is No. 19.

(Signed) WING AFOOK.

Taken and subscribed before me the 27th day of June, A.D. 1859.

(Signed) C. MAY, J.P.,
Acting Assistant Magistrate.

(Exhibit B.)

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.**Minutes of Proceedings** in the cause in which WING AFOOK, Fishmonger is *Plaintiff*; and

- | | |
|--|---------------|
| 1. 'NG CHENG CHEONG, 51, of Namtow, Master of No. 9, Fresh fish stall, Central Market, | } Defendants. |
| 2. CHU ATYE, 46, Do. do. do. No. 4, | |
| 3. CHEANG AFOON, 30, Do. do. do. do. | |
| 4. KUM-LIN-WAH, 31, Do. do. do. No. 32, | |

ADJOURNED PETTY SESSIONS.

Wednesday, 29th June, 1859.

Wing Afook, duly cautioned, states,—I am the holder of a fresh fish stall in Central Market. The 1st and 2nd defendants have been in the habit of demanding market fees from me, as in the time of Mah-chow Wong. On the 27th of April last, they both came and demanded 150 cash from me as the fee for that day. I paid it on that occasion, and have entry of it in my books. I then told them I would pay no more. On the 26th of May, they came again, and demanded "at least 200 cash." I refused, and they carried away my fish there and then, valued 1,300 cash. I remonstrated and they returned the fish, and said they were not afraid even though I might complain to the Magistrate. I knew these two men to be the former partners and friends of Mah-chow Wong. The fees they now demand were always levied, and collected by them in his time. On the 24th of this month, they came again, and demanded the same fee, and threatened again to carry away my fish, but did not as I told them I would complain. I have no charge against the 3rd and 4th prisoners, who are discharged.

Cheng Kong Kee, duly cautioned, states,—I know the two prisoners at the bar, they have been collectors of fees for 10 years in the markets here under Mah-chow Wong. I know them to be his representatives, and successors. On the 24th of this month they levied upon me a custom fee of 200 cash or 20 cash per 1,000. In Mah-chow Wong's time they used to collect 60 cash a 1,000. The fish which I bought on that day did not pass through their lan, nor was there any occasion for its doing so. On the 22nd of June, they actually carried away 12 catties of fish valued 1,200 cash from my stall, because I refused to pay this fee, and kept it to their own use.

(Defendants here state that complainant has not given them any money for 2 months.)

Defendants examined:—Stand convicted of 2 separate acts of larceny on the 26th May, and 22nd of June, and are sentenced to be publicly flogged in the Central Market each 2 dozens strokes and imprisoned with hard labor for 3 calendar months.

The defendants also stand convicted of 3 separate acts of attempting to raise money upon false pretences and of twice succeeding in the same attempts, and are sentenced to be imprisoned, with hard labor, 3 calendar months for each offence. All these penalties to be accumulative.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

The petition of Chü Attai, Kum-lin-wá, 'Ng-ching Cheung, and Ching-tso-foon, old Market traders, to His Excellency, praying the redress of grievances, &c., &c., dated July 1859.

Your petitioners formerly kept the King-lee pastry shop in the Central Market. In June last year when the Government established two fresh fish Lans your petitioners procured Lan No. 4 and commenced business under the style of Wing-cheung; 'Ng-ching Cheung procured No. 9 and commenced business under the style of Yee-loong; Kum-lin-wá procured fish stall No. 32 for the purpose of selling fish; and Ching-tso-foon brought goods to and fro and lodged at the Wing-cheung shop.

Your petitioners carried on their business for some time in peace. But in the month of May this year seven fish stalls, viz: the Kee-lee, Yute-wo, Yü-lee, Shing-lee, Yat-wo, Toong-lee, and Yuk-king, deceived the Surveyor General into granting them another Lan which they opened under the style of Yee-wo. The Surveyor General having made inquiry concerning them and ordered them to remove, they were filled with spite and brought your petitioners before the Magistrate upon three trumped up charges, viz: of extorting brokerage, of taking fish by force, and of being partners of Mah-chow Wong.

This is a Government custom to charge two per cent. How could your petitioners dare to extort? (Your petitioners would) also (state) that there were several of the Market neighbours who were not examined; and your petitioners, who likewise were not examined, were sentenced to one year's imprisonment and to receive 24 blows of the rattan.

Your petitioners therefore humbly pray His Excellency may be graciously pleased to look into the matter.

Translated by

(Signed) T. DICK,
Chinese Interpreter.

NOTE.—By "petitioners" only the first petitioner appears from the context to be meant. The construction of the document throughout is very indifferent.

(Signed) T. D.

The petition of which the foregoing is a true Copy, has been referred to the undersigned by order of His Excellency the Acting-Governor.

I observe upon it, for the information of the Supreme Court of Appeal, as follows:—

Imprimis,—Throughout the whole of the case from first to last the prisoners never demurred to the designation, given of them by the complainants as *bona fide* constituting the Keekee Lan however they might choose otherwise to call themselves.

Secondly,—They admitted themselves to have been fish brokers in the Central Market for upwards of nine years. It so happens that from the foundation of the Central Market up to the conviction of Ma-chow Wong there was *only one* fresh fish Lan in Market, that of “the Keekee firm,” illegally levying 6 per cent on all fish that entered the Market.

Thirdly,—Ma-chow Wong’s wife was affirmed by the complainants to be a partner in the existing Lans, without the appellants demurring to the statement.

Finally,—Mr. Caldwell sat at my right hand during the investigation and adjudication. He heard the prisoners charged as the Ma-chow Wong successors and representatives. He heard me put that point to the witnesses, over and over again. In his capacity of Protector of the Chinese, he must have known whether or not they (the prisoners) were thus obnoxiously designated with truth, or otherwise. Yet Mr. Caldwell never interposed any correction.

I feel abundantly satisfied at this moment, that the appellants are the genuine successors and representatives of Ma-chow Wong, and that *that* felon’s wife is a copartner in the two fresh fish Lans, however they may designate themselves.

It is a fact, as admitted in the petition of the Respondents to the Sitting Magistrate, that the seven recusants, did, as alleged, combine themselves and take out a license for a Lan, for the very purpose of releasing themselves from a lawless exaction which was oppressing their honest gains.

It is worthy the notice of the Court that the appellants vaguely admit the indiscriminate levy of this brokerage. “It is a Government custom to charge 2 per cent.”

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

[No. 44.]

Commenced 29th June.

Com. to P. S. 30th.

Remanded to July 2. Warrant No.

Concluded 2nd July.



C. M. Court, No. 1552.

Warrant, No. 540.

P. Sessions, No. 851.

Warrant, No. 119.

AT THE CHIEF MAGISTRATE’S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

Minutes of Proceedings in the Cause in which TCHIM-KAR-WAH, lessee of a fish stall, is *Plaintiff*; and

KUM-LE-WAH, 31, of Namtow, Fish Monger, }
CHEANG AH-FOON, 30, of do. fish stall man, } *Defendants*.

MEMORANDUM.

DATE.	SPECIFICATION.	AMOUNT.	DOLLARS.	DOLLARS.	RUPRES.	CASH.	STERLING.
			In Bank Notes.	In Silver.			

Wednesday, 29th June, 1859.

Tchim-kar-wah, being warned, deposeth,—I am the lessee of a fish stall at Central Market. I presented a petition at this Court on the 27th instant, representing a system of extortion upon the fish sellers by Wong-shek-pan and others, being a continuation of a system of extortion carried on by Ma-chow Wong. A warrant was granted to me and two men who most frequently made the demand were apprehended. The defendants formerly belonged to Ma-chow Wong’s firm, under the name of Keekee, and that firm is still carried on in the same name—it is called a Lan, the defendants belong to that Lan. After the two men were arrested on the warrant, the defendants came to my fish stall and demanded 85 cash as fee of 20 cash per thousand upon the amount I had taken that day. I refused to pay the cash and then the 1st defendant struck me on the face. I then paid the 85 cash and went to the Police Station for a Constable. This occasion was the first that 2nd defendant had made the demand for the fee to my knowledge; but 1st defendant has about six times been in company with Wong-shek-pan to collect the fee.

In answer to Mr. Parsons, attorney for defendants (witness taken ill.)

Chaong Ah-yut, being warned, deposeth,—I am the lessee of a fish stall at Central Market No. 28. On the evening of the 28th instant, Wong-shek-pan and two others came to my stall and demanded 200 cash. I refused to give it and then the 2nd defendant came to me, struck me on the face, and pushed me on the breast. I then gave the 200 cash to the 1st defendant. There has been a fee demanded from the fish stall keepers on behalf of the Keekee firm of the Central Market for years. Ma-chow Wong was formerly the head of that firm, and he had a fee of 60 cash upon each thousand of the total amount received, but after he was imprisoned the fee was reduced to 20 cash per thousand, and ’Ng Aseong, Wong-shek-pan and some others carry on the Keekee firm; the defendants belong to that firm. Ma-chow Wong’s wife has a share in the firm. I paid the fee as others did because if it was not paid we were threatened to be beaten and to have our fish carried away. Fish has been carried away by defendants’ partners. The defendants never carried away the fish, or personally threatened one; but when they came I knew that they

belonged to the firm and felt myself under the same compulsion. The first defendant came almost every day since the 17th day of 5th moon of last year. I know that date because I opened my stall in the new market two days before, but did not sell until the 17th; before that time, even when the market was temporarily carried on in a mat shed, 60 cash per thousand was the fee paid to the Keekee. The 1st defendant belonged to the Keekee firm at that time. None of the fish stall keepers dared to complain of this extortion because of the fear they were under of having their property destroyed and their lives taken by being thrown into the harbour. One of the firm Chu Attai is nicknamed the Tiger without Teeth. I and others refused to pay recently because we found out it was illegally demanded. I always supposed that Ma-chow Wong applied the monies he received to his own use and since that time the Keekee firm. I am afraid to say who I supposed gave authority to the firm to receive it. The Keekee shop does no business, it is only kept open for the purpose of facilitating the collection of this fee. I do not purchase my fish from the Keekee Lan, and they have nothing to do with the brokerage of it or anything to do with it.—In answer to defendant by Mr. Parsons. The defendants came to collect the fees and when I refused as also others, this led to a fight and then the Police were called. I never supposed that I got any protection or any other benefit from Ma-chow Wong, but paid it entirely from fear and apprehension of danger, and since his conviction I have continued to pay it to the Keekee firm from the same feeling and equally without return of benefit. The Keekee firm has continued to use the same threats as those used by Ma-chow Wong. Ma-chow Wong used to threaten to hand over to the Police all that did not pay. His successors were more violent than Ma-chow Wong. One of the partners Chu Attai said that he knew better how to manage in the Courts than we did, and we believed him.

Defendants by their Attorney, Mr. Parsons,—represents that the defendants have committed no offence, that they used no threat or injury towards the complainants, and have not at common law or by Ordinance committed extortion; that it appears to have been a demand made and complied with from old custom, which although desirable to be put a stop to, nevertheless does not subject them to punishment.

Committed for trial at Petty Sessions on the 30th instant.

(Signed) C. MAY, J.P.,
Acting Assistant Magistrate.

PETTY SESSIONS.

Thursday, 30th June, 1859.

Defendants in Court, defended by Mr. Parsons.

Tchim-kar-wah, examined upon his depositions before the sitting Magistrate, which he confirms in every particular, and adds: I know that a wharfage fee is also levied in this market, upon all boats landing fish at that wharf. I believe that wharfage is included in the Lan fee of 2 per cent, but do not know of my own knowledge.

ADJOURNED PETTY SESSIONS.

2nd July, 1859.

Cheang-ayut, examined, confirms his depositions before the sitting Magistrate.

Mr. Parsons heard on behalf of defendants.

1st defendant is convicted of raising money upon false pretences, and is sentenced to be imprisoned with hard labor for 6 calendar months.

2nd defendant is convicted of the same offence, but it being the first offence charged against him, he is sentenced to be imprisoned with hard labor for one calendar month.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

4th July, 1859.

Case appealed.

Bail for defendants, two sureties in \$250 each.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

P. S. No. 851.

To W. H. MITCHELL, Esq.,
Acting Chief Magistrate.

SIR,—As Counsel for and on behalf of Kum-le-wah and Cheang-afoon on the second day of July instant, convicted by you in Petty Sessions of obtaining money under false pretences, and sentenced to imprisonment for six months, and one month respectively I have to request you to state and sign a case setting forth the facts of the said matter, and the grounds of the said determination for the opinion of the Supreme Court, thereon according to the Ordinance in that behalf.

I have, &c.,

(Signed) AMBROSE PARSONS.

4th July, 1859.

Commenced 1st July.
Remanded to 2nd. Com. to P. S. 4th.
Warrant No. 107.
Concluded 4th July.



C. M. Court, No. 1590.
Warrant, No. 555.
P. Sessions, No. 854.
Warrant, No. 122.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

Minutes of Proceedings in the Cause in which SHEAK ASSO, owner of a Tanka-boat is *Plaintiff*; and
CHÜ AH-TAI, 46, of Nam-tow, holder of a fish lan, }
LYE-AH-KOW, 40, of Do. holder of a fish stall, } *Defendants*.

MEMORANDUM.

DATE.	SPECIFICATION.	AMOUNT.	DOLLARS.		RUPEES.	CASH.	STERLING.
			In Bank Notes.	DOLLARS. In Silver.			

Friday, 1st July, 1859.

Sheak Asso, being duly warned, deposeth,—I am owner of a Tanka-boat plying for hire from the Central Market wharf. I have been plying from that place for the last three months and during that time have paid the second defendant 200 cash each month; the 2nd defendant told me that all boat people paid and that I must pay; I do not know what right second defendant had to collect this money. I paid it without demur because I saw that the other boat people paid. I have no knowledge of the 1st defendant.

Ho Ah Ng, being duly warned deposeth,—I am owner of a Tanka-boat. I have plyed for hire from the Central Market wharf for the last five years, and during that time I have given 200 cash per month for the privilege of plying from that place, during the five years I always paid the second defendant. I do not know what authority the second defendant had to obtain this monthly sum, second defendant always said that if I did not pay that I should not ply from that wharf; there are between thirty and forty Tanka-boats ply from the Central Market wharf. I have no knowledge of 1st defendant.

Yeep Ahpo, being warned, deposeth,—I am owner of a Tanka-boat plying from Central Market wharf. I have paid the second defendant 200 cash for wharfage during the past three years. I do not know why I paid it to him, I would have refused to pay any other person. I thought that he had right to demand it. I have no knowledge of first defendant.

DEFENCE.

Second defendant states,—I acknowledge that I have collected the cash from the boats at Central Market, since the 2nd moon of present year. I was hired by the first defendant, and his partners named Mah-kong-tye and Wong-shek-pan—the agreement was that if I paid 6,600 cash I should retain all over that sum. I have paid first defendant and his partners that sum every month; they did not tell me what authority they had for demanding it; the boat people paid me readily.

First defendant states, what the second defendant states is false, he has never paid me upon such account; he is a relative of Mah-chow Wong, and formerly Mah-chow Wong used to collect the wharfage, after his conviction second defendant continued to make the collection.

Remanded for re-examination on the 2nd July; defendants to be admitted to bail each two housekeepers \$200 each.

(Signed) C. MAY, J.P.,
Acting Assistant Magistrate.

Saturday, 2nd July, 1859.

Chow-kan-chu, being duly warned, deposeth,—I am a Fishmonger at the Central Market. I have been frequently at the first defendant's shop, and on the evening of 4th June last was there. I saw the second defendant enter the shop having a bag of cash on his shoulder. I asked him what it was and he said it was fees from the boats, and that it was to be divided into three parts; that it was a regulation laid down by Mah-chow Wong. The first defendant a man named Wong-shek-pan, and another named Mang-kon-tye, were in the shop. The first defendant said let us divide the cash between us, and at that moment I left the shop. I left Hongkong the following day and returned last evening (1st July). I have known second defendant since the 11th month of last year, before which he was not at the market. I have frequented the market since 1853. I saw second defendant two or three times in the market. I knew Mah-chow Wong; he used to collect fees from the boats; the first defendant was at that time employed by Mah-chow Wong. On one occasion that I was in the shop I heard first defendant say that he was employed to collect the boat fees.

Second Defendant states,—That he has no further evidence.

First Defendant discharged.

Second Defendant committed for trial at the Petty Sessions on the 4th July.

(Signed) C. MAY, J.P.,
Acting Assistant Magistrate.

COURT OF PETTY SESSIONS.

Monday, July 4th, 1859.

REGINA v. LYE-AH-SOW.

Sheeh-asso,—Examined.*Ho Ah'ng*,—Examined.*Yap Ahpo*,—Examined.

Prisoner examined; stands convicted of the 3 separate acts of raising money upon false pretences, charged.

To be imprisoned with hard labor for 4 calendar months for each offence, penalties accumulative.

(Signed) W. H. MITCHELL,
Acting Chief Magistrate.

[No. 46.]

IN THE SUPREME COURT OF HONGKONG.

Between CHU ATTAI, *Plaintiff*, and WILLIAM HENRY MITCHELL, *Defendant*.

I, WILLIAM THOMAS BRIDGES, of Victoria, in the Colony of Hongkong, D.C.L., the Attorney for the above named Plaintiff make oath and saith:—

1. That this action is brought against the defendant as acting Chief Magistrate of this Colony to recover damages for a wrongful sentence of imprisonment for twelve months and public flogging passed by him upon the plaintiff.

2. That from evidence given upon oath before the said defendant by witnesses' hostile to the plaintiff, and which evidence is now before this Honorable Court, it appears that the plaintiff has been for many years resident in the Central Market.

3. That from Affidavits filed in this Honorable Court in the appeal from the decision of the defendant under which the plaintiff was imprisoned and flogged, and which appeal was successful, it will appear that the plaintiff has been a resident in this Colony since 1861, first as a shopkeeper, and lastly as a government lan holder in the Central Market.

4. That whether the plaintiff has or has not performed militia service on the mainland I know not, but the result of the enquiries I have made enables me to aver most confidently that the plaintiff is domiciled here as thoroughly as any Chinaman that I know, except those belonging to the tanka race, and who never had any connexion with the mainland of China.

5. That the plaintiff called on me about a fortnight ago to enquire as to the progress of this action informing me that he was about to visit the mainland for a short time, to which I assented not anticipating a motion of this description in an action affecting so seriously the Chief Magistrate of this Colony, and that I believe the plaintiff will be in Victoria before Monday night next, and will not again leave it until the trial of this action is terminated.

6. That the plaintiff is as I am informed by the Registrar General, the Crown Lessee of fish lan No. 4, Central Market, and that the statement to the contrary made by the subordinate of the defendant do Rozario is incorrect in swearing that the license of the said lan is not now held by the said plaintiff or that he has no residence in this Colony inasmuch as the plaintiff has his residence in such lan of which he has held the license with a trifling interval ever since the re-arrangement of the market.

7. That I have applied to the Registrar General to state on oath what he knows with regard to the plaintiff being and having been for many years domiciled in this Colony, but the Registrar General has informed me that in consequence of the action taken by the defendant with regard to himself personally he is unwilling to make an Affidavit unless ordered to do so by the Court, in which case he is perfectly willing to state all he knows. I believe the said Registrar General can depose to the fact of the plaintiff having been settled here at the present time, and ever since the year 1855, and of his being the present Government lessee of fish lan No. 4, Central Market.

Sworn at the Supreme Court House, Victoria,
this eighteenth day of November, 1859,

(Signed) WILLIAM T. BRIDGES.

Before me
(Signed) N. R. MASSON,
A Commissioner, &c.

[No. 47.]

IN THE SUPREME COURT OF HONGKONG.

Between CHU ATTAI, *Plaintiff*, and WILLIAM HENRY MITCHELL, *Defendant*.

I, RAPHAEL ARCANJO DO ROZARIO, head Interpreter of the Chief Magistrate's Office, make oath and say:—

1. That at the request of the defendant in this cause, I proceeded, on the afternoon of the fifteenth of November, one thousand eight hundred and fifty nine, to the Lan in the Central Market formerly held by the

plaintiff in this cause under the title of the "Yeng Cheong" Lan, and which plaintiff I know to be variously called and known by the names of Chu Attai, Chu Ahfoo, Mo 'Nga Loy or Alloy the toothless and Mo 'Nga Lofoo, or the "Tiger without teeth" and asked to see the said Chu Attai, or Mo 'Nga Loy whereupon a person there present by name Cheang Kum Wa stated to me that he the said plaintiff was out of the Colony, and he, Cheang Kum Wa did not know when he would return.

2. That I thereupon asked the said Cheang Kum Wa, who held the "Yeng Cheong" Licence, and he told me that he Cheong Kum Wa had charge of it. That I asked him to produce it which he did and I found it to be a new licence issued by the Registrar General on the seventh day of the tenth Moon, or the first day of November instant under the title of "Attai's Lan" which was the name Cheong Kum Wa gave it. And that the licence of the said Lan is not now held by the said plaintiff who has no residence in this Colony and that I verily believe he is now absent from the Colony and out of the Jurisdiction of this Court.

Sworn at the Supreme Court House, Victoria,
this seventeenth day of November, A.D. 1859,

(Signed) R. A. DO ROZARIO.

Before me,

(Signed) F. S. HUFFUM,
A Commissioner, &c.

[No. 48.]

具稟人
榮豐行船戶李裕順李裕隆爲
海賊劫掠人財兩失乞 恩飭
差追捕事切民船由甲子載貨
到 貴港沽發於本月二十日
午後四點鐘駛至月眉山海面
突遇賊大拖船三隻沿海搶劫
民忖思強弱不敵而且賊船輕
捷只得望風逃走幸而逃脫李
裕隆之船載有赤白糖七百餘
担並生豬六十餘隻海味貨物
二百餘担是以船重難逃被賊
連船搶去計該船貨物約值本
銀三千餘員船上人客水手共
二十餘人存亡未卜似此海賊
猖獗流毒商民往來貨船屢遭
其害素聞
貴國鋤強暴而安良善且民與裕
隆義同東主勢迫瀝情上訴懇
恩飭差緝捕庶得海面肅清商
民有賴沾
恩切赴
大老爺臺前恩准
已未年 二月 日稟

[No. 49.]

C. M. No. 1896.

P. S. No. _____

THE COLONY OF
HONGKONG
TO WIT.

THE INFORMATIONS of WITNESSES and the STATEMENT of the DEFENDANT taken on behalf of Our Sovereign Lady the QUEEN on the 20th, 22nd, 23rd, 25th, and 28th July, 1857, at the Chief Magistrate's Office, before the Honorable H. T. Davies, Esquire, Charles May, Esquire, two of Her Majesty's Justices of the Peace for the said Colony: the said Informations given in presence and hearing of

1. Wong Ah-kee alias Mah-chow Wong, 35, of Namtow, Partner in the Kwong-yek-loong shop.
2. Sum Ah-hing, 42, of Chewchow, Broker.
3. Lum Ah-mak, 50, of Chewchow, Broker.
4. Pak Ah-ngun, 37, of Poonyu, Hatter.
5. Lo Ah-shing, 26, of Sunon, Cook in the "Kwong-yek-loong" shop.
6. Wong Ah-min, 21, of Namtow, Shopman do.
7. Yeem Ah-hom, 30, of See-oi, Silversmith.
8. 'Ng Ah-hok, 45, of See-oi, Broker,—the said Defendants charged before the said Justice.

That on 10th July instant, certain evil disposed persons unknown with arms, did on the high seas, feloniously and piratically rob one Lee Ahsow of 299 bags of Sugar,

49 bags of Sesamum Seed, and 20 tubs of Blue Dye; and that afterwards, to wit, on the 11th July aforesaid, at Hongkong.

The Defendants a portion of the said goods, to wit, 110 bags of Sugar, and 15 tubs of Blue Dye, feloniously did receive and have, then and there well knowing the same to have been feloniously and piratically come by as aforesaid, and

That the said Defendants on 4th July, 1857, and thereafter, to wit, on the 11th and 12th days of July aforesaid, at Hongkong, knowingly did feloniously trade with the said pirates and robbers. And the Defendants Wong Ah-kee alias Mah-chow Wong, and Sum Ah-hing committed for trial at the next Criminal Sessions of the Supreme Court to be held at Hongkong aforesaid.

And the other Defendants discharged.

Saturday, 18th July, 1857.

Lee Ah-kum, being duly warned, deposeseth,—I am master of the “Eshun” Opium shop, Lower Bazaar, and a trader. On the 10th July instant, I had three-hundred bags of Sugar coming from Hoi-how in a Sookoo trading boat owned by Poo-wa-poh. On that day or the next day my nephew named “Lee Ahsow” who was supercargo in charge of the Sugar came to my shop and told me that the boat had been captured by 3 piratical boats, the crews of which after plundering the vessel of the Sugar and every thing of value had released the boat. There was also on board consigned to me 49 bags Sesame Seed and 20 tubs of Blue Dye. The Sugar bags were not generally marked, but a few bags were marked “Lee”; they were large bags; the bags of Sesame Seed were marked “Wing” and the tubs of Blue Dye “Sheong.” On the same day I went round to the different hongts to search for my Sugar; I went to the “Kwong-yek-loong” shop, Bonham Strand, my nephew Lee Ahsow was with me,—I saw some Sugar there which “Lee Ahsow” identified; knowing that “Wong Ahkee” was master of the “Kwong-yek-loong” shop, I went to his “Wong Ahkee’s” house at the Central Market. My nephew and the master of the boat Poo-woo-poh accompanied me; I saw Wong Ahkee, and asked him where he had got the Sugar from stored at the “Kwong-yek-loong” and whether he had an owner for it; “Wong Ahkee” answered that he had not an owner. I said the Sugar belongs to me, it was taken from my boats by pirates and I should like him “Wong Ahkee” to produce the man who had delivered the Sugar into his shop; he answered, the man who gave me the Sugar is gone, but fortunately I have not paid him yet. I said if you cannot produce the man I shall report the matter to the Police. Wong Ahkee said “are you going to ruin my shop and disgrace me? I will return you the Sugar.” I replied that I had lost other things as well as the Sugar and that I expected to get all. “Wong Ahkee” said that he would see about that—if such goods came within his knowledge he would let me know. I agreed to receive the sugar and left the house and went to my own shop. About one hour afterwards a coolie came to my shop saying he had come from the “Kwong-yek-loong” shop and that if I sent coolies the sugar would be delivered to me; I sent my nephew to the “Kwong-yek-loong” shop, and he returned with coolies bringing 110 bags of my sugar. On the 14th July instant, I sold the Sugar to a broker who resides at the Kwong-hone shop, and I believe he sold it to a vessel not now in harbor; as far as I know she has sailed. I have a sample of the Sugar at my shop. I have had no farther communication with “Wong Ahkee.” On the 16th July I heard that the Police had stopped some Sugar at the “Kwong-yek-loong,” but I have not examined that Sugar.

When I first went to look at the Sugar at the “Kwong-yek-loong,” I saw several persons there. I had previously sent a man under pretence to buy sugar, in order to ascertain how much Sugar they had, and that man told me they had 110 bags for sale; the boat of Poo-wa-poh is at present at Saiwan.

I apply for a warrant to search the premises of “Wong Ahkee” for the remainder of my property, and a warrant for the apprehension of Wong Ahkee.

(Signed) 李琴

Taken and acknowledged before me on the date first before written.

(Signed) CHARLES MAY,
Acting Assistant Magistrate.

Commenced 20th July.
Remanded to 22nd, 23rd, 25th, 28th July.
Warrant No. 119.
Concluded 28th July.



C. M. Court, No. 1396.
Warrant, No. 600.
P. Sessions, No.
Warrant, No.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY
OF HONGKONG.

Minutes of Proceedings in the Cause in which R. at the complaint of LEE A-KUM, master of the “Eshun” opium shop Lower Bazaar, is Plaintiff; and

1. WONG AH-KEE, alias MAH-CHOW WONG, 35, of Namtow, Partner in the Kwong-yek-loong shop,
2. SUM AH-HING, 42, of Chew-chow, Broker,
3. LUM AH-MAK, 50, of Chewchow, do.
4. PAK AH-NGUN, 37, of Poonyu, Hatter.
5. LO AH-SHING, 26, of Sunon, Cook in the “Kwong-yek-loong shop.”
6. WONG AH-MIN, 21, of Namtow, Shopman in do.
7. YEEM AH-HOM, 30, of See-oi, Silversmith.
8. NG AH-HOK, 45, of do., Broker.

Defendants.

MEMORANDUM.

DATE.	DOLLARS. In O. B. C. Notes.	DOLLARS. In Silver.	RUPEES.	CASH.	STERLING.
-------	-----------------------------------	------------------------	---------	-------	-----------

Monday, 20th July, 1857.

Defendants in Court.

Mr. Stace appears for all the defendants.

Lee Ah-kum, warned, deposes to the correctness of the affidavit annexed and now read, and further deposes,—It was on the 11th instant my nephew told me of the loss of my sugar. Wong A-kee (1st defendant) said he would let me know if he met with any of the men who brought the sugar. On the affidavit just read a warrant for the apprehension of the 1st defendant was granted, and a warrant to search his premises for my property. Wong Ah-kee mentioned in my affidavit is the 1st defendant. When I went to the "Kwong-yek-loong" shop on the 11th instant, I saw the 2nd and 3rd defendants there. I said to 2nd defendant "who is the owner of the sugar? what boat did he come in? the sugar is mine." Second defendant answered "go and ask my master." He did not say who his master was. I knew that Wong Ah-kee (1st defendant) was the master. I do not know that any of the other defendants were there. I received 13 tubs of blue dye from the "Kwong-yek-loong" shop directly after I received the sugar. 1st defendant told me at his house in the market that he had the blue dye, he told me also that he would send it to me. My marks (Sheong) were on the tubs, so I knew the dye to be mine—or rather not mine, but it came in Poo-wa-poo's boat consigned to the "Nam-cheong-loong," and I accordingly forwarded the tubs to that shop the next day, (the 12th instant.) I recognize a mark on the tub-staves produced; it is the character "Sheong" which was on the tubs of blue dye which I gave to the "Nam-cheong-loong" shop. I know now that the vessel into which the sugar was shipped by the broker to whom I sold it, has not sailed. I thought she had when I made my affidavit. I have been on board her with the police, I went there yesterday; I found my bags of sugar there; the police had brought some of the bags on shore; those bags have the character "Lee." I identify the bags of sugar now produced as mine, consigned to me in Poo-wa-poo's boat. I gave no receipt when I got the sugar and the blue dye from the "Kwong-yek-loong" shop. I gave no guarantee to any one connected with the "Kwong-yek-loong" shop to hold them harmless if the sugar was improperly given up. I have had previous dealings with the 1st defendant. As far as I know the "Kwong-yek-loong" shop has only been opened a month. When the 1st defendant came to my shop to buy opium he told me he was master of the "Kwong-yek-loong" shop. I went with the police to search defendant's house and the "Kwong-yek-loong" shop, but I found no property of mine there.

Cross-examined by Mr. Stace,—I never had any dealings with 1st defendant except selling him opium. I have seen 1st defendant in the "Kwong-yek-loong" shop. I saw him when the sugar was being delivered back to me—that is to say, when a coolie came to tell me I might have the sugar on sending for it, I went myself to the "Kwong-yek-loong" shop and there saw 1st defendant. After the first 20 bags had been brought to my shop, I was told 1st defendant had refused to let me have any more. So I went to the "Kwong-yek-loong" shop, and there I cut open one of the bags and shewed the 1st defendant my sample, and having compared the two convinced him that the sugar was mine; he then let me have the rest.

(Signed) 李亞琴

Lee Asow, warned, deposes,—I am the nephew of the 1st witness. I was in charge as supercargo of some sugar belonging to my uncle (1st witness) in a Sok-koo boat bound to this place from Hoi-how. There were 300 bags of sugar belonging to my uncle besides 20 tubs of blue dye and 49 bags of sesame seeds. Some of the sugar bags were marked with the character "Lee,"—I marked some and an uncle of mine (not 1st witness) marked some others. The tubs of blue-dye were marked with the character "Sheong," and the bags of sesame seeds with the characters "Wing Kee." On our voyage here on the 10th instant, off Lintin we were attacked by three boats—one a tor boat, one a sew-lew boat, and one a snake boat. They, each of them fired cannon and small arms at us and killed two women and one man in our boat and wounded five of us. We had returned fire, but left off when we found that we had received so much damage. All three boats then came alongside and about 100 men, Chinamen, armed with swords, spears, and muskets boarded us. We did not resist. (Our crew consisted of 16 men, two male passengers besides myself, and three females belonging to the boat. There was some cargo besides that belonging to my uncle—7 baskets of fowls and 10 baskets of pigeons.) We were all driven below, placed under hatches, and not permitted to come up. We then sailed to Lintin; all our cargo was removed, and at 2 o'clock the next morning our boat was released and we sailed into this harbor, arriving about 7 A.M. on the 11th instant. I reported the case at the Police Station; the 1st witness was with me. I then went with 1st witness to different shops to search for the sugar and dye, and when I got to the "Kwong-yek-loong" shop I saw 110 bags of sugar. I immediately suspected that the sugar was my uncle's from the appearance of the bags. I then examined the sugar itself and was quite certain. I saw there the 2nd defendant. I heard my uncle, 1st witness, ask 2nd defendant who was the owner of the sugar, and where the boat was that brought it; 2nd defendant replied that the owner had gone and the boat had sailed a short time before on that day. 1st witness said that the sugar was his and had been taken by pirates; 2nd prisoner said "if that be the case you had better go and see my master." I knew Ah-kee (1st defendant) was the master. I had heard people say so and had seen him in the shop before, but only once. I then went with 1st witness to 1st defendant's house in the Central Market. We there saw 1st defendant; 1st witness said to him "there is some sugar of mine in the Kwong-yek-loong shop, which was taken from a boat by pirates; where is the man who brought it you? where is the boat in which it came?" The 1st defendant said "the man has left, and the boat has gone." He said the man who had placed it there for sale was coming back for the money in 2 or 3 days. He gave no name or description of the man. 1st defendant said he would return my uncle (1st witness) the sugar, and that if the man who had brought it return with more—as my uncle said he had lost more—that he would let my uncle know. My uncle said "is it advisable to report the matter to the police?" The 1st defendant said "if you do that the business will get wind and the pirates will not come with the remainder of your goods." Before we left 1st defendant's house the son of Poo-wah Po (the owner of the boat) came to look for my uncle. I and my uncle then went to our own shop. I went with some coolies to the "Kwong-yek-loong" shop and saw there 2nd defendant. The 1st defendant came in afterwards and ordered the coolies to take the sugar to our shop. There was no demur or delay in giving the sugar up. My uncle came in while the sugar was being given out. He cut open a bag of sugar which we sent for from the boat and which had not been taken by the pirates, and took some sugar out in order to convince 1st defendant that the sugar in the Kwong-yek-loong shop was my uncle's sugar. The 1st defendant was thus convinced, and the whole 110 bags were taken to our shop. When we found the sugar at the Kwong-yek-loong shop, I saw the tubs of dye there

also, and knew them to be those of which I was supercargo and which were taken by pirates. We returned the 13 tubs of dye to the "Nam-cheong-loong" shop, because they were consigned to that shop. We delivered the sugar to "Kwon-oan" shop (to which it had been sold before arrival) on the 14th instant. I went yesterday on board a boat in the harbor and saw some of the said sugar on board. One bag was taken by the police yesterday morning and two this morning and brought ashore, I came with it. The sugar produced is the same. It is the sugar taken by the pirates. The bags have the marks "Lee." The value of the 110 bags of sugar is \$500 and I don't know how much the tubs of blue dye are worth. I recognize the marks on the staves now produced as the character "Sheong," which was on the dye tubs; it is a *private* mark.

(Signed) 李亞秀

All defendants remanded till Wednesday next, at 10 o'clock.

The 4th, 5th, 6th, 7th, 8th defendants to be admitted to bail, themselves at \$50 each, with one householder each in \$50.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

(Signed) C. MAY,
Acting Assistant Magistrate.

1st defendant to be kept separate from all other prisoners.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

11 o'clock, Wednesday, 22nd July, 1857.

All defendants in Court.

Defendants remanded till 1 o'clock.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

1 P.M. same day.

Defendants in Court.

Lee Ah-kum, recalled,—I did go with my nephew, the 2nd witness to report the piracy, and loss of the sugar, about 9 o'clock on the morning of the 11th instant. It was about 10 o'clock, when I saw my sugar at the "Kwong-yek-loong" shop. Shortly after that—about a quarter of an hour—I reached the 1st defendant's house in the Central Market. It was about 1 o'clock, when my coolies went for the sugar to the "Kwong-yek-loong" shop. I paid \$100 for the sugar to a clerk at the "Kwong-yek-loong" shop; the 1st defendant asked me to pay it; he said he had paid \$100 to the man, who had brought him the sugar. I said rather than he should lose anything I would pay the \$100; and I did so. First defendant told me this *after* I had received the sugar. He told me this at his house in the Central Market, after I had got the sugar. He did not tell the name nor give any description of the man to whom he said he had paid it.

Cross-examined by Mr. Stace.—The sugar in the "Kwong-yek-loong" shop was on the door-side of the counter, near the door, *not* concealed. The dye was upstairs. I went twice to 1st defendant's house in the Central Market; once before and once after the delivery of the sugar. Nothing was said to me at the "Kwong-yek-loong" shop about commission on the sugar, but I paid 9 taels cumshaw to the people of the shop. I paid nothing else except coolie hire. It is usual for Hong—merchants to receive commission on their sales. [Corrects his former evidence.] I did not pay the \$100 myself to the clerk at the "Kwong-yek-loong" shop; I gave it to my nephew (2nd witness) to pay it, and he told me had paid it. No demand was made for any payment until after I had received the sugar. I *myself* paid the 9 taels cumshaw.

(Signed) 李琴

Lee A-sow, re-called, deposes,—I paid 72 taels of Silver to a clerk at the "Kwong-yek-loong" shop. My uncle (first witness) had given me the money to pay them. I did not go with my uncle to first defendant's house in the Central Market after the delivery of the sugar. It was on the evening of the 11th when I paid the 72 taels to the "Kwong-yek-loong" shop. At that time the sugar and blue dye had already been received by my uncle. I never heard of any money being demanded by any of the "Kwong-yek-loong" people for the sugar *before* it was delivered to my uncle. The mark or character "Sheong" means or might mean "first quality." I cannot say whether in the present instance it was a *private* mark or descriptive.

(Signed) 李亞秀

Poo-cho Hee, warned, deposes,—I am the son of Poo-wa-po, the owner of a Soo-koo trading boat. I was in that boat on her voyage from Hoi-how to Hongkong. We started on the 5th instant. The crew consisted of 16 men including myself, my father, and my brother. There were also there my mother, my wife, and my brother's wife. There were two passengers, A-sow was one of them. We had a cargo of 300 bags of sugar, 49 bags of sesame seeds, and 20 tubs of blue dye. On the 10th instant off Lintin at noon we were attacked by three pirate boats. They fired at us. We fired one shot. My mother, my wife and my mother's brother were killed by the pirates fire. My wife and uncle by musket shots, my mother by a cannon

ball; my father and three or four of the crew were wounded. All this was done before the pirate boats came alongside; when they did so, a great number of men boarded and drove us below. They took us to Lintin and discharged the cargo that night (the 10th instant). Between 2 and 3 A.M. of the 11th instant the pirate boats left us, and I then hearing no noise on deck went up, found a pool of blood on deck but the corpses of my wife, uncle and mother were no longer there. We then got under weigh just before daylight and arrived at Hongkong in about 6 hours; the passengers went ashore, I went to look for a Medical man. A-sow the supercargo—the man just brought into Court (the second witness) told me he was going to send a petition to the Police. I went *one day* to look for A-kum (first witness) to a house in the Central Market, I saw him there. There were some other people there. A-sow (second witness) had told me A-kum (first witness) was interested in the cargo and I wanted to find A-kum (first witness) to give me some money to pay for Medical attendance to the wounded men. I cannot say who were the other people there,—I did not go inside the door. I do not think I could point out the house, I have been only in the Colony three times. I saw A-kum (first witness) in the house; I called to him; he came out; he and I went together to his (A-kum's) shop. The day when this happened was the day of our arrival. I did not recollect this when you first asked me. My mind is almost gone, at the loss I have met with. When we got to A-kum's shop he gave me \$6 and I returned on board my boat. My father is seriously ill, he has a gun-shot wound in the right arm, and a musket ball is still in his thigh.

Poo-cho Hee's + mark.

Leong A-chem, warned, deposes,—I am Master of the “Nam-cheong-loong” shop in Bonham's Strand, I had some transactions about blue dye with the “Ee-shun” shop of which A-kum (first witness) is master. A-kum told me on the morning of the 11th instant, that 20 tubs of blue dye which were consigned to me through him had been taken by pirates. In the evening he told me he had recovered 13 tubs of the dye. I sent for it the next day. A-kum (first witness) told me that he had paid \$100 for the recovery of the blue dye and some sugar; but I said as the blue dye was not mine any money, arrangements had better stand over till the owner came. I got 13 tubs of dye, the mark on the tubs was “Sheong.” The tubs were leaky, so I put the dye into larger tubs; I broke up the old tubs. The staves now produced are some of those staves. The police came to my house and took the staves away on the 20th instant and the blue dye too. I have known the 1st defendant eight years. I know the “Kwong-yek-loong” shop. I have had dealings with it. I have not been inside. I have heard that 1st defendant is part owner of the shop. I do not know that he is master.

(Signed) 梁亞兆

Ho A-ye, warned, deposes,—I am broker of the “Kwun-oan” shop, in the Bonham's Strand road. Chun-a-kun the master is absent, he has been absent four weeks. I am in charge of the shop. I have three-tenths of the profits of the trade. I have been here 7 years. I have known Wong A-kee (1st defendant) for more than 2 years. I know the “Kwong-yek-loong” shop. I never had any dealings with the 1st defendant. On the 13th instant I bought 110 bags of sugar from 1st witness for a Shanghai trader for whom I shipped it, on board a ship. The police, my accountant tells me, have taken away 3 of the bags. The three bags produced are 3 of the 110 bags I bought from 1st witness. I bought the sugar at \$4.14 per picul.

(Signed) 柯亞式

Lai Cheong Heng, warned, deposes,—I am broker in the “Lün Loong” shop, Bonham's Strand. Lee-a-choe and Wong A-yum are masters of the shop. Lee-a-choe has been at Macao for three days. I and Wong A-yum manage the business. I have a fixed salary of \$6 a month, and one per cent of the profits. I come here to-day because the master of the shop was subpoena'd but too busy to come. Three days ago in this Court I signed a bail-bond for the 1st defendant, and used the “Lün Loong” shop seal, but I signed my own name. On the 11th instant, at 8 o'clock in the morning, a man from the “Kwong-yek-loong” shop came to me at the “Lün Loong” shop, and shewed me a sample of sugar, which they offered for sale—100 bags. Wong A-yum was in the shop, and he agreed to purchase the 100 bags at 2 taels 9 mace and 5 candareens a picul, and to pay 50 taels bargain money. I saw him take the 50 taels, which he said he was going to pay to the “Kwong-yek-loong” shop. About 2 hours after this 1st witness (A-kum) came to my shop and told me that the sugar at the “Kwong-yek-loong” belonged to him, and told A-yum in my presence not to buy it. A-yum went and brought back the 50 taels, which he said was the repaid bargain money. This was about 2 o'clock. I have known 1st defendant since the opening of the “Kwong-yek-loong” shop. First defendant is a partner in the “Kwong-yek-loong” shop—I know this from public rumour. Our shop sent cards of congratulation to the “Kwong-yek-loong” shop on its opening. The “Lün Loong” shop never sold a boat, and never owned a boat, nor ever had any dealings with 1st defendant before the opening of “Kwong-yek-loong” shop.

(Signed) 黎松興

Charles Bartlett, Police Constable, sworn, deposes,—On Saturday, 18th instant, I was on duty at the Central Station. I received instructions from Inspector Dunn to take care, that no one had any communication with any of the prisoners in any of the cells. The 1st defendant was in one of the cells, alone. The Chinese Lookongs had been removed from what was their ordinary duty, namely the charge of the cells. This was at 7 P.M. About 8 o'clock 1st defendant called out “Lookong Lookong!” I went in to hear what he wanted. He said he wanted to speak to a Lookong; I said he could not do so as I was not to allow the Lookongs there. He asked me for a drink of water. I gave it him. He offered me \$10 if I would send for a Lookong. He offered me \$50 if I could get Mr. Caldwell down to speak to him. He first said Sam-qui, then Mr. Caldwell, because I did not understand whom he meant by Sam-qui. He then asked me if I had the keys of the cells, and said he would give me \$1,000 if I would let him out, and that he would take me to Macao to the back of the island and keep me free from harm in a house of my own there. I reported this to Mr. Grand-Pré after I had got an Indian Constable to take my place, between 9 and 10 o'clock. The Inspectors Jarman and Dunn then took 1st defendant up to the gaol.

(Signed) C. BARTLETT.

Alexandre Grand-Pré, Acting Superintendent of Police, sworn, deposes,—On the 18th instant, at 5 P.M., I searched the Kwong-yek-loong shop and found all the defendants except the 1st there. The 2nd, 3rd, 5th, and 6th defendants were in the shop below; the 4th, 7th, and 8th were coming down stairs. I produce certain books and letters found in the shop, and a large box containing vermillion cloaks and a sword. I heard last witness's evidence just now. He did report to me as he says. I reported it to Mr. May and he gave a warrant for committing 1st defendant to gaol, as it appeared to me unsafe that he should be kept in the cells.

Cross-examined,—Inspector Jarman arrested 1st defendant.

(Signed) A. GRAND-PRÉ.

Lum A-see, Chinese Clerk and Shroff to the Magistracy, warned, deposes,—In the account book (marked by Police No. 3) of goods *received*, one of the books produced by last witness, I find under date 11th July, 100 bags of sugar received for the Ming-lee and 15 tubs of blue dye—and against this an entry that 13 tubs were returned. In small writing below the 110 bags is written “sold to Lün-loong.” In a separate column is written “both returned to Ee-shun.” At the foot of the same column in small writing “settled by brother Kee—Ee-shun to pay to Ming-lee 72 taels.” There is a further entry: “paid 20 taels; paid 39 taels; and deducted commission money 13 taels.” In the book relating to goods *sold* (marked by police No. 4) is an entry on the 11th instant, of “110 bags sugar sold to Lün Loong at 2 taels 9 mace 5 candareens;” “received 50 taels bargain money;” against that is an entry “returned the same day, and cancelled.” In book (No. 5) commission money book, I find an entry on the 11th instant, “received from Ming-lee 1 tael 3 mace.”

(Signed) 林四

Defendants remanded till 2 o'clock to-morrow.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

(Signed) C. MAY,
Acting Assistant Magistrate.

Thursday, 23rd July, 1857.

Defendants in Court.

Mr. Stace appears for all defendants.

Mr. Day for first defendant.

Lum A-see, examination continued,—In book numbered 1 by the police and now handed me I find an entry on the 12th instant in the receipt column “from Ming-lee 13 taels commission money;” under the payment column on the 4th instant there is entered “to Ming-lee 4 taels 2 mace 7 candareens 3 cash;” on the 11th instant “20 taels to Ming-lee;” on the 12th “to Ming-lee 39 taels;” the same date “to Ming-lee 13 taels.” In book numbered 15 relating to salt-fish accounts I find an entry on the 4th July, “received from Ming-lee salt-fish of three kinds;” in another book numbered 11, also a salt-fish account book, on the 4th instant there is an entry “received from Ming-lee 3 kinds of salt-fish, value 4 taels 2 mace 7 candareens and 3 cash.” The name Ming-lee is the same throughout all these entries. It is *not* likely to be an individual's name, it might be the name of a company or the title of a shop or of a boat or of a commercial establishment. [Letter (put in previously by Alex. Grand-Pré, and marked 21 with translation) handed to witness,]—this letter is dated 18th instant and is from Lum Chew Yoong to Lee Yü Hop at Kap-chee; it is sealed with the “Kwong-yek-loong” shop seal. There is mention in the letter of 180 bags of sugar being landed from A-choi's boat at the “Kwong-yek-loong” shop, and that the crew of the boat had been given into custody by a boatman who identified three of the crew as pirates. There is also a remark that the melancholy part of the occurrence is that Wong-kee-kee's partnership in this boat was discovered, and he could not escape his difficulties. I find in the book marked No. 5 (entitled commission book) Lum Chew Yoong down for one share in a commission amounting to 5 mace 5 candareens. Lum Chew Yoong is the same name as that of the writer of the letter I have just read. I find in book No. 6 (a book giving an account of payments to the shop people) that there is a separate page devoted to Lum Chew Yoong. In it is entered that on 7th June last 1 tael 5 mace and 8 candareens were paid to him. On the 30th June 100 cash is entered as paid to him. In the book No. 5 there is a list of names of 13 persons receiving commission, among which are the names of the 2nd and 5th defendants. There is also a name Wong See Min, [6th defendant's name is Wong A-min].

(Signed) 林四

James Jarman, Inspector of Police, sworn, deposes,—I apprehended 1st defendant on Saturday last, (18th instant), under a warrant. I found him at the “Kee-kee” shop in the Central Market; I have seen him there frequently and he told me about 2 years ago that he was master of the shop. I searched the shop. I had a search warrant. I also searched his family house which is opposite his shop. I found in his house the iron chest now in Court in which the books and papers I now produce were contained. I also found in the chest some wooden and stone seals. Amongst some boxes of clothes I found some other books and papers which I also now produce. [They are now in a basket]. In the shop (the “Kee-kee” shop) I found some books and papers also now produced [they are now in a second basket]. I was at the Police Station on the night of the 18th instant (the same day) when Police Constable Bartlett came into the charge room and in my hearing reported to Mr. May who was sitting at the desk that the 1st defendant had offered him \$10 to call a Lookong, and \$50 if he could see Mr. Sam-qui, and \$1,000 if he would let him out. On Sunday last, 19th instant, I went to the “Kwan Oan” shop and from there with the Accountant of that shop and

the 1st witness (Lee A-kum) to the Siamese ship *Castle* in the harbor. The 2nd witness was also with us. A bag of sugar was brought out of the hold, and identified by the 2nd witness as some sugar he was in search of. We brought the bag of sugar ashore, and it is one of the bags now in Court. I went again on board this ship on the next morning (Monday) and 2 bags of sugar were brought out of the main hold with Chinese characters marked on them. I brought them ashore. They are now in Court. These bags were stowed under other bags of sugar and required considerable labour to get them out. The same day I went to the "Nam-cheong Loong" shop in Bonham's Strand with 1st witness and Mr. A-kü (the Interpreter). There I found some blue dye and 5 bags of broken staves of blue dye tubs, and 2 large tubs of blue dye. I produce the bags of staves and one of the tubs. I was in Court when these staves and the bags of sugar were examined by the 2nd witness. I was Inspector on duty at the Station on the 11th instant between 9 and 10 A.M., when 1st witness and another made a report of a piratical attack upon a boat on the 10th instant. His report was entered in the occurrence book. I hand in the petition or report in Chinese which he gave me. [Mr. Day objects to the reception of this report.]

(Signed) J. JARMAN.

Wong A-yum, warned, deposes,—I am master of the "Lün Loong" shop in Bonham's Strand. I had been away from the Colony, and came back in May last; I had been away 2 years. Lai Cheong Heng is my shopman. He was so when I returned. I declare I know nothing of any of the defendants. I do not know the 1st defendant. I do not know his name. I did not authorize Lai Cheong Heng to bail out the 1st defendant, and to use my shop seal. I never have had any dealings with the 1st defendant. A few days ago, I bought some sugar from the "Kwong-yek-loong" shop. A shopman from that shop brought a sample about 11 o'clock in the morning. I cannot tell exactly what day. I know it was 11 o'clock for I had a clock in my shop. I bought 110 bags at 2 taels 9 mace 5 candareens per picul. I paid 50 taels as bargain money in the "Kwong-yek-loong" shop to the Accountant of the shop. He is not one of the defendants. About 1 o'clock the bargain money was returned to me. The Accountant told me that the owner was not going to sell the sugar. The Accountant came to me and told me so. I received no intimation from any other person that I was not to have the sugar. I don't know what became of the sugar at all. I know A-kum (1st witness) master of the "Ee-shun" shop. Neither A-kum nor any one connected with his shop told me any thing about the sugar. I do not know the Ming-lee firm. I do not know whether my shop had business with it. Neither I nor my shop have owned a boat within the last 2 or 3 months. We have not sold a boat lately, nor have I been party even as a witness to any sale of a boat. I do not know a man named A-choi. Neither I nor any of my shop people to my knowledge gave security for any persons charged with piracy at this Court about the 26th May last. If the seal of my shop was used on such an occasion it was without my knowledge. I do not know Po Pak Shing. I know nothing about any security having been given by my shop or those belonging to it for any one charged with any offence. I and Lai Cheong Heng, and on business matters others, use the seal. Lee-a-choe is a partner and is here and is in the shop, and has not been away lately. I saw Lee-a-kum 1st witness a few days ago. [Witness again warned] I declare that 1st witness did not come to me and tell me that the sugar I was about to purchase from the "Kwong-yek-loong" was stolen sugar. I declare he never spoke to me about it. I declare I know nothing about 1st defendant. Lee-a-choe came from Macao yesterday morning between 8 and 9 o'clock, he had been there for 6 days.

(Signed) 王蔭

Manoel da Silva, Sergeant, attached to the water Police, sworn, deposes,—On a day last week, I think Friday, I seized a boat lying alongside Bonham's Strand from information I received that a piracy had been committed. I also took possession of a house—the last at the West end of Bonham's Strand. While I was in the boat the 1st defendant came to me and said "what's the matter about the boat?" I said it was a pirate boat. He said "who told you?" He also asked me what was the matter about the house. I said it had some sugar in it landed from the boat. He asked me to let him go into the house. I said "yes." He did go, and came back and said there was sugar there. He then went away. I found some arms, books and papers in the boat. That boat has before been in my custody—on the 27th May last, as being connected with pirates. I know it is the same boat, because there are nails in the main-hatch which I had put there by my Carpenter in my presence. I am certain it is the same boat.

Manoel da Silva's + mark.

Defendants remanded till Saturday next, at 10 o'clock.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

(Signed) C. MAY,
Acting Assistant Magistrate.

Saturday, 25th July, 1857.

Defendants in Court.

Lee A-choe, warned, deposes,—I am partner in Lün Loong shop, Bonham's Strand. I have known 1st defendant for the last 2 years. I have had dealings with him lately—on the 11th instant about purchasing some sugar from the "Kwong-yek-loong" shop. The transaction was between my partner and the Accountant of the "Kwong-yek-loong" shop. I supposed 1st defendant to be master of that shop. I saw him there sometimes, but business transactions are managed between the Accountants of shops and not between the masters. Whenever I go into the shop 1st defendant asks me to take tea. He appears to me from my knowledge of the customs of shopkeepers to be the master of the shop. About 11 A.M. on the 11th instant, a shopman from the "Kwong-yek-loong" brought a sample of sugar to me and asked me if I had any one that would buy it. I sent my partner Wong A-yum to the shop; he told me that he had been

there and had settled to purchase 110 bags of sugar at 2.95 taels the picul; I saw him take away 50 taels and he said he had paid it as bargain money. There is no written memorandum of the transaction—none in my books. About noon Lee A-kum (1st witness) came to my shop and told me that the sugar belonged to him (1st witness), and had been taken by pirates and that I had better not buy it. Wong A-yum (my partner) was not in the shop at this time. I sent him to get back the bargain money. He brought 50 taels, and said it was the returned bargain money. I did not go to the “Kwong-yek-loong” shop that day. I know Wong-a-foong master of the Tai-loong shop. I have had business transactions with him. I know nothing about any of the defendants, except the 1st defendant. I never have been surety in this Court for bailing 1st defendant. I sent up Lai-cheong Heng to bail Wong-a-foong, but I believe he also bailed 1st defendant at the same time by mistake. I have never myself bailed any prisoner charged with piracy at this Court. I never sanctioned any of my partners in doing so. I never heard they had done so. I had a partner named Wong-a-sai, he is now dead. He was a partner in the Tai Loong shop at the same time that he was my partner. The Tai Loong shop is in the Central Market. He had a right to use the Lün Loong (my shop's) seal. I do not know Po Pak Sing. The name written on the seal on the bail-bond handed to me is not my signature. It is not like it. It is my name. [The bail-bond is in case 196, Petty Sessions, 19th January, 1857. The date of the bond is 31st January, 1857].

(Signed) 李才

Chea-a-tung, warned, deposes,—I am salt weigher to the “Ee-shun” shop belonging to Lee-a-kum (1st witness). On the 11th instant at noon I went to the “Kwong-yek-loong” shop with some coolies to get some sugar accompanied by my master (1st witness). I got 110 bags. I saw there on that occasion the 2nd and 3rd defendants sitting behind the counter. They seemed to belong to the shop. They did not say anything. 1st defendant was there and told me I might tell the coolies to move the sugar. There were also 13 tubs of blue dye brought away by my coolies.

(Signed) 謝亞登

Manoel da Silva, Sergeant of Police, recalled,—When I took possession of the house at the West end of Bonham's Strand, I saw some sugar there, and I also saw some spars—a top-mast and 2 yards of a Lorch. This was on the 16th instant. I had a month previous seen these spars landed from a lorch alongside the wharf and carried into the house. I know this lorch formerly belonged to 1st defendant—I mean some 18 months or two years ago. She is now rigged like a Tow-mang boat. I saw her being altered into a Tow-mang boat when she was alongside the wharf a month ago.

Manoel da Silva's + mark.

Defendants remanded till Tuesday next, at 2 o'clock.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

(Signed) C. MAY,
Acting Assistant Magistrate.

Tuesday, 28th July, 1857.

Defendants in Court.

No further evidence.

All defendants discharged except the 1st and 2nd.

1st and 2nd defendants committed for trial at the Criminal Sessions of the Supreme Court.

(Signed) H. TUDOR DAVIES,
Chief Magistrate.

(Signed) C. MAY,
Acting Assistant Magistrate.

姻叔台等均鑒

閏五月二十七日林昭雍具

敬啟者閏五月十九日雲陞航在省到
 香說收陳福生銀五十兩省鹽市汕尾
 六包五寸甲鹽九包之間香中辛元什
 內六百銀現刻五百式銀之間猪市九
 二寸赤糖二八五寸結糖二九五寸海
 口白糖中的發出上的尚未發行中生
 理暫暫而進人工發減三人請加仔覈
 一人共存十二人而已不料禍起不測
 二十五日采號拖船主載赤糖一百八
 十包來入光益隆行行單出口票各項
 俱有糖纜起清正要落碗被蛋家棍歹
 與船伴借錢起衅誣稟祿衣鬼查伊船
 內夥伴有賊果證出三人是賊隨即將
 船封住船內夥伴一概帶至番館可傷
 者王奇記漏涉此船有份亦受其累行
 厝俱不雅意二十六日追訊後衆行用
 圖書保出奇記二十七日再要訊倘有
 問及合夥生理之事要將沈興哥坐成
 行主同奇記告案大約行中諒亦無事
 拖船未知若何後書再達再者生理或
 要作或不作的要有主張示愚

內信煩順至甲子交
 李裕合收入親展
 光益隆托
 順
 閏五月廿七日封寄
 信到奉酒錢陸拾文
 得利

"Translation of Letter No. 21."

On the 25th day (16th July) Ahchoy's tor boat brought to the Kwong-yek-loong Hong 180 bags brown sugar. There were bills of sale and passes, &c., connected with this sugar. It had just been landed and the vessel was about taking in alum, when through the cupidity of certain rascally mariners, who attempted to obtain money from the boat's crew, made a false statement to the Police devils that there were pirates on board this boat, and pointed out three of the men as pirates. The vessel was accordingly seized, and all her crew taken to the Station. What is to be grieved at is that it has been disclosed that Wong Kee-ke has a share in this boat and he has therefore been placed in the same difficulty as the men. The state of things is unfavorable. An investigation was held on the 17th July instant, and Kee-ke was bailed by all the Hongs for a further investigation on the 18th. If the question of partnership is raised it will be necessary to make Mr. Sum-hing appear as owner (and prosecute the case with Kee-ke.*) I think the Hong will not be involved in difficulty; but I cannot say how the tor boat will be affected. I will let you know when I write to you again.

NOTE.—You must acquaint me with your decision as to whether you wish to continue or discontinue the trade.

To my Uncles.

18th July, 1857.

(Signed) LUM-CHÉW-YUNG.

Translation of the outside of the Letter.

To Lee-ü-hop at Kap-chee, from Kwong-yek-loong, 18th July, 1857. Postage 60 cash.

Translated by

(Signed) TONG-AKÜ,
Chinese Interpreter.



WARRANT TO APPREHEND.

AT THE CHIEF MAGISTRATE'S OFFICE, VICTORIA, IN THE COLONY OF HONGKONG.

In the cause in which R. at the complaint of LEE AH-KUM Trader is Plaintiff, and WONG AH-KEE, alias MAH-TSO WONG, Shopkeeper of Victoria, Defendant.

To WILLIAM VANDYK a Constable of the said Colony, and to all other Constables of the said Colony.

WHEREAS on the Eighteenth of July 1857, information was laid before me CHARLES MAY, Esquire one of HER MAJESTY'S JUSTICES OF THE PEACE for the said Colony, that the said Defendant, on or about the 10th of July instant, certain evil disposed persons unknown, did on the high sea feloniously and piratically rob one LEE AHSOW of

300 bags of Sugar,
49 bags of Sesame Seed, and
20 tubs of blue dye,

and that the said Defendant on or about the 11th of July aforesaid at Victoria in the said Colony, feloniously did receive the said goods then and there well knowing the same to have been feloniously and piratically stolen taken and carried away as aforesaid: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said Defendant and to bring him before me, or some one or more of HER MAJESTY'S JUSTICES OF THE PEACE for the said Colony, to answer to the said information, and to be further dealt with according to Law.

Given under my Hand and Seal this Eighteenth day of July in the Year of Our Lord One thousand Eight hundred and Fifty-seven.

*(Signed) C. MAY,
Assistant Magistrate.



CHIEF MAGISTRATE'S OFFICE.

To WM. VANDYK, a Constable of Hongkong.

THE COLONY OF
HONGKONG,
TO WIT.

WHEREAS it appears to me by the Information on Oath of LEE AH-KUM, Trader and Master of the "Ee-shun" Opium shop, at Victoria, that the following Goods, to wit:
300 bags of sugar, some of the bags marked with the Chinese character "Le"
49 bags of sesame seed, marked with the Chinese character "Wing"
20 tubs of blue dye, marked with the Chinese character "Sheung"

have within nine days last past been stolen or unlawfully obtained, and that there is good cause for suspecting that the said Goods or a part thereof are concealed in the Chinese shop "Kwong-yek-loong" situate in Bonham Strand at Victoria aforesaid in the said Colony; these are in the Name of THE QUEEN to authorize and require you, with necessary and proper Assistants, to enter in the day or night time the said shop and there diligently to search for the said Goods; and if the same or part thereof be found, to bring before me or any other Magistrate for this Colony the Goods so found, together with the Bodies of all Persons whom you shall there find appearing to have been privy to the Deposit of the said Goods, knowing them to have been so stolen or unlawfully obtained; that they may be dealt with according to Law: and you are hereby required to certify to me what you shall have done herein.

Given under my Hand and Seal at the Chief Magistrate's Office in the said Colony, the Eighteenth day of July in the Year of Our Lord One thousand Eight hundred and fifty Seven.

(Signed) C. MAY,
Assistant Magistrate.

HONG KONG.

RETURN to an Address of the Honourable The House of Commons,
dated 16 June 1862 ;—for,

“ COPIES of a DESPATCH from the Governor of *Hong Kong*, dated the 16th day of December 1861, transmitting Copy of the MINUTES of INQUIRY into CIVIL SERVICE ABUSES before the Executive Council of that Colony, and of the ANSWER returned to that DESPATCH :”

“ And, of CORRESPONDENCE with Mr. *Chisholm Anstey* on the Subject.”

Colonial Office, }
17 July 1862. }

C. FORTESCUE.

(*Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, to be Printed,
18 July 1862.

SCHEDULE.

No.	DATE.	FROM.	TO.	PAGE.
1.	16 December 1861 (No. 220).	Governor Sir Hercules Robinson -	His Grace the Duke of Newcastle, K.G.	3
2.	10 April - 1862 (No. 45.)	His Grace the Duke of Newcastle, K.G.	Governor Sir Hercules Robinson -	21
3.	11 November 1861	T. Chisholm Anstey, Esq. - - -	His Grace the Duke of Newcastle, K.G.	21
4.	3 April - 1862	C. Fortescue, Esq., M.P. - - -	T. Chisholm Anstey, Esq. - -	24
5.	29 May - -	T. Chisholm Anstey, Esq. - - -	His Grace the Duke of Newcastle, K.G.	25
6.	2 June - -	C. Fortescue, Esq., M.P. - - -	T. Chisholm Anstey, Esq. - -	27
7.	4 June - -	T. Chisholm Anstey, Esq. - - -	His Grace the Duke of Newcastle, K.G.	27
8.	12 June - -	C. Fortescue, Esq., M.P. - - -	T. Chisholm Anstey, Esq. - -	30

COPIES of a DESPATCH from the Governor of *Hong Kong*, dated the 16th day of December 1861, transmitting Copy of the MINUTES of INQUIRY into CIVIL SERVICE ABUSES before the Executive Council of that Colony, and of the ANSWER returned to that DESPATCH; and, of CORRESPONDENCE with Mr. *Chisholm Anstey* on the Subject.

— No. 1. —

(No. 220.)

COPY of a DESPATCH from Governor Sir *Hercules Robinson* to his Grace the Duke of *Newcastle*, K. G.

Hong Kong, 16 December 1861.

(Received, 19 February 1862.)

My Lord Duke,

(Answered, No. 45, 10 April 1862, page 21.)

I HAVE the honour to forward 12 printed copies of the Minutes of the Inquiry,* known here as the Civil Service Abuses Inquiry, which was held in obedience to the instructions contained in your Grace's confidential Despatch of the 11th January 1860.

2. Upon the receipt of that Despatch, legal proceedings were in progress here which would have been prejudiced by my immediate action; I accordingly delayed the commencement of the inquiry ordered until their termination, as reported at the time in my Despatches noted in the margin.

3. The mode of making the necessary investigation having been left to my discretion, I determined that the most convenient and constitutional course was to institute a public inquiry before the Executive Council, which consisted, in addition to myself, of the Acting Chief Justice, the Colonial Secretary, and the Commandant of the garrison. Of these, the only one who was not a stranger to the colony was Mr. Mercer, the Colonial Secretary, and he had been absent in Europe on leave during the greater part of the period within which the transactions to be inquired into had taken place, and was entirely unconnected with them. I accordingly directed the following notification to be published in the Government Gazette, both in English and Chinese:—

“GOVERNMENT NOTIFICATION.

“In compliance with instructions received from his Grace the Duke of Newcastle, Her Majesty's Secretary of State for the Colonial Department, directing that an inquiry should be instituted into the abuses which have been alleged to exist in the Civil Service of Hong Kong generally, and especially into the alleged tampering of some of the subordinate departments in that service with the malversation, corruption, and piratical practices of part of the Chinese community in or frequenting the colony, his Excellency the Governor has determined that such inquiry shall take place before the Governor in Executive Council, who will sit for that purpose in the Council Chamber on the 13th day of August next, at noon, and on such subsequent days as may then be determined on.

“All persons capable of giving information in furtherance of the proposed investigation are desired to attend the sittings of the Council, which will be held with open doors.

“By his Excellency's command,

“ (signed) *L. D'Almada e Castro,*

“ Council Chamber,

“ Clerk of Council.

“ Victoria, Hong Kong, 28 July 1860.”

4. The inquiry thus commenced on the 13th August 1860, occupied the Council for 30 days, and extended over 13 months, the last sitting having been held on the 24th September 1861. The delays which occurred between the sittings

No. 1.

Governor Sir H Robinson to his Grace the Duke of Newcastle, K. G. 16 Dec. 1861.

• Presented to House of Comm by Command, 7 July 1862.

10 April 1860.
24 ” ”
22 May ”
24 July ”

sittings were—as far as they depended on the Council—unavoidable, being occasioned by the interruptions necessary for the transaction of the ordinary executive, judicial, and military business of the Colony, as well as by the absence from the island of some of the members of the Council at different times on sick leave. The length of the inquiry was, however, mainly attributable to the time occupied by Mr. Caldwell in making his defence, which was commenced on the 3d December 1860, and not concluded until the 20th May 1861.

5. In response to the "Gazette" notification, the only unofficial person who attended before the Council to supply information or to offer any suggestion, was Mr. Murrow, the editor of the "Daily Press" newspaper, a circumstance which is much to be regretted. It has been freely imputed to Mr. Murrow that he was a persecutor of Mr. Caldwell, and perseveringly sought to accomplish his ruin by any means; but the absence of every other accuser forced him on this occasion into a position from which it was almost impossible for him to recede. It is evident that the reticence of persons who were well acquainted with the facts, and who might at least have suggested the means of testing the testimony of the witnesses produced, very greatly increased the labours of the Council, and to some extent operated injuriously to Mr. Caldwell, who was left unaided to meet charges of a very grave character, often depending on dates and facts which had occurred many years before.

6. The two first sittings of the Council were mostly occupied in considering inadmissible propositions. On the third, Mr. Murrow handed in a list of 24 charges against Mr. Caldwell, which were entered on, and formed the starting point of the proceedings. The Council did not, however, confine their attention to these charges, but proceeded to investigate others which grew out of them, or which were incidentally alluded to by witnesses when under examination, and which were of sufficient importance to call for inquiry. The desultory character thus given to the proceedings was, from the very nature of the investigation, unavoidable, the matters to be inquired into not being clearly defined, and no person appearing officially to arrange or bring forward the evidence, whether oral or documentary, which was necessary to a right understanding of each case. Indeed, it must be remembered that the inquiry was instituted, not for the purpose of considering charges which the Government were prepared to prefer against Mr. Caldwell, but for the purpose of satisfying the Government as to the truth or otherwise of the charges of malpractices, of which Mr. Caldwell had been so often and openly accused in the papers, and by Mr. Anstey and others, and to set the matter at rest for ever by affording to all his accusers an opportunity of substantiating their charges if they saw fit, and were prepared to do so. Whenever, therefore, during the investigation into Mr. Murrow's charges, circumstances of a suspicious or questionable nature were brought under notice, the Council felt called on to follow up the matter for their own satisfaction, whether pertinent to the charge immediately under consideration or not.

7. But besides the undefined nature of the inquiry at starting, the Council had throughout the proceedings to contend with serious difficulties, arising from the length of time that had elapsed since many of the occurrences brought under review had taken place; from the absence from the colony of persons who would have been important witnesses; from the destruction or loss of important official documents; and from the notorious incredibility of Chinese witnesses. These obstacles, in many instances, proved insurmountable; and notwithstanding the time and patience given by the Council to the investigation, they found themselves utterly unable to unravel the mysteries and complications of some cases which were surrounded with circumstances of the gravest suspicion.

8. By the 17th sitting, which took place on the 3d December, five of Mr. Murrow's charges had been investigated, as well as others which grew out of them. This appeared to be a convenient opportunity to pause and consider the effect of the evidence which had already been given, the more especially as the supersession of Colonel de Sausmarez in the command of the garrison by a senior officer necessarily led to the introduction of a new member of Council, who had not hitherto taken any part in the inquiry. It was considered that if the testimony already given should on review be found seriously to inculpate Mr. Caldwell

A 15 in Ap-
pendix to Civil
Service Abuses
July.

Caldwell, no necessity might exist for entering into the remaining charges; but should the evidence given be disproved, or appear insufficient to support the various charges, the inquiry might be resumed at an early day, and continued until all the charges were gone through.

9. The first charge was, that "Mr. Caldwell had had a long and intimate acquaintance with a notorious pirate called Machow-Wong, beginning in 1847."

10. With regard to this charge "Mr. Caldwell admitted a long and intimate acquaintance with Machow-Wong, drawing a distinction, however, between acquaintance and friendship; but he denied that, in his opinion, Machow-Wong was a pirate, and he expressed his belief that Machow-Wong was not guilty of the charges on which he had been convicted."

Page 3, Civil Service Abuses Inquiry.

11. This charge is a most important one, because upon it hinges the propriety or impropriety of Mr. Caldwell's conduct with reference to nearly the whole of the matters inquired into. If in the many transactions in which he associated with Machow-Wong he was merely holding communication with and rendering aid to a man free from crime, unconnected with pirates, and unjustly aspersed and condemned, then much of what he did he might well defend, and with regard to the remainder, the instances dwelt upon might be excused or extenuated as acts of indiscretion or errors in judgment; but if, on the contrary, Machow-Wong was a pirate, if the immense power which he possessed was mainly due to his intimate connexion with Mr. Caldwell, and if Mr. Caldwell invariably used his official position and influence for the obstruction or perversion of justice in this man's favour, then the intimacy, which is admitted by Mr. Caldwell, cannot be justified, and the only question which remains is as to the truthfulness of Mr. Caldwell's asserted belief in Machow-Wong's innocence. In other words, whether Mr. Caldwell was Machow-Wong's accomplice, or merely his dupe and tool.

12. As to Machow-Wong's character, no unprejudiced person can, I think, arrive at any other conclusion from a perusal of the accompanying papers than that he fully deserved the infamous reputation he bore. The following is a brief narrative of his history: Wong Akee was a native of the city of Namtao in Sunon. His father, at his death, left him some houses and land, and for many years he contracted with the district magistrate for the supply of grass for the Government horses; hence his soubriquet of Machow-Wong (horse-grass Wong). He became leagued with the pirates of the coast, was denounced to the mandarins, and fled here shortly after the formation of the Colony. Upon his arrival here he became ostensibly a fishmonger in the market, but his principal occupation was said to be the disposal of the plunder of his confederates on the sea and land, for he was not long in organising a band of thieves, Triad-street coolies, &c., besides his old friends on the water, whom he also supplied with provisions. Soon after his arrival, he became known to Mr. Caldwell, and for years was Mr. Caldwell's principal and most relied upon informant. His influence and intimacy with Mr. Caldwell invested him with immense power; he was a terror to the bulk of the community, and tyrannized over the lower orders of Chinese, without their daring to complain. Public repute pronounced him to be an extortioner, a recipient of bribes from gambling houses, a confederate of pirates, and a receiver of stolen goods. His name was never mentioned without being coupled with some epithet having reference to his bad character, but he was held in such dread that Chinese of standing and property, who exhibited a knowledge of his evil character, would not appear against him as they said they were in terror of their lives on account of him.

Mr. Inglis's Letter, pp. 72, 73, Blue Book.*

Mr. Anstey's Letter, Blue Book, p. 68.
Mr. May's Letter, Blue Book, p. 72.
Mr. Inglis's Letter, Blue Book, p. 73.
Mr. May's Evidence, p. 7, Minutes, Civil Service Abuses Inquiry; p. 39, Caldwell Commission Report.
Mr. Dixon's Evidence, p. 7, Caldwell Commission Report.
Mr. Kingsmill's Evidence, p. 62, Caldwell Commission Report.

Mr. May's Evidence.
Mr. Dixon's Evidence.

13. That Machow-Wong had been, for many years before his conviction, intimately connected with pirates and piracy, was notorious throughout the Colony. He, and others in confederacy with him, it is asserted, and I believe with truth, kept a hong, at which the goods obtained by piracy were received and disposed of, and where pirates were supplied with arms and ammunition. He was the known protector of pirates and other ruffians resorting to the island, and when they were charged with offences against the law, he provided them with professional assistance

[* The "Blue Book" referred to is Parliamentary Paper, No. 161, of Sess. 1860.]

assistance, intimidated or quieted complainants or witnesses, and by the exercise of the great influence which he possessed, frequently contrived to obstruct or pervert the course of justice. There is no doubt that Machow-Wong had the power, through Mr. Caldwell, of directing the movements of the ships of war against pirates, or alleged pirates, whenever he pleased, and it is asserted that he made use of this power to levy a species of black mail on the piratical fleets on the coast. So long as they continued these payments, they were permitted to go on, but in case of default or disagreement, he denounced them to the authorities, and they were hunted down and captured by British gun boats, until they were either exterminated or came in and made their peace with him.

Page 70 of Blue Book. Mr. May's summary of statement made by Boggs at his trial.

Registrar General to Colonial Secretary, 15 July 1857, p. 69 of Blue Book.

Registrar General to Clerk of Councils, 5 October 1857; No. 18 in Appendix to Minutes of Civil Service Abuses Inquiry.

14. I see no reason to doubt the truth of the statement made by Eli Boggs at his trial, that Machow-Wong thus made himself the arbiter of the fate of all pirates by giving information to such of them as were under his protection, of the movements of Her Majesty's ships, and by launching against others the British naval power. He had unquestionably the power to do so if he pleased. Mr. Caldwell asserted on the 15th July 1857, "That in every, or nearly every case of information against pirates which he had had anything to do with, Machow-Wong had been his secret informer." And again, on the 5th October 1857, "It would be difficult for me to state all the cases in which I have been concerned, whether in the capture of pirate vessels or of offenders in this colony, wherein I have derived my information from Akee (Machow-Wong); but I may with safety say that in six cases out of ten he has assisted me." If, therefore, Machow-Wong was the notorious vagabond and "Jonathan Wild" which he is asserted by every one but Mr. Caldwell to have been, it is only reasonable to suppose that he would wield the immense power which he possessed, and which he derived from his intimacy and connection with Mr. Caldwell, for the protection of his friends and the destruction of his enemies, instead of for the public good.

15. Mr. Dixon, the Editor of the "China Mail" newspaper, who described himself as a friend of Mr. Caldwell's, stated in his evidence before the Caldwell Commission:—

Pages 98, 99, and 100 of Blue Book.

"The man (Machow-Wong) had been a notoriously bad character, and I have known him as such almost from my first arrival in this colony (1846). * * I have heard from many Chinese that he was a notorious extortioner, owner of pirate vessels and fitter-out of piratical expeditions; that occasionally he gave information of piracies to Mr. Caldwell, but only when it suited his own purposes, and chiefly in cases in which he had not received hush money. * * I believe Machow-Wong never gave information without having a selfish end in view. I know of a case, and brought a witness up to prove it before the Council, where Machow-Wong gave information for ships of war to attack pirates, and afterwards sent boats to collect loot from the pirate junks after the men-of-war had done with them."

No. 27 in Appendix to Minutes of Civil Service Abuses Inquiry.

16. The Beaver Papers, to which I shall refer later, afford also remarkable and conclusive evidence upon this point. Machow-Wong quarrelled with a confederate, Chui Akwei, a noted pirate chief, who had disobeyed his instructions as to the disposal of some plunder, and Machow-Wong threatened forthwith to send the men-of-war against him; the threat was carried out, and Chui Akwei's fleet was destroyed.

Beaver Papers, No. 27 in Appendix to Minutes of Civil Service Abuses Inquiry.

17. At last, justice overtook this notorious offender; he was arraigned at the August Criminal Sessions of 1857, upon two charges of confederating with pirates, found guilty on the first, and sentenced to 15 years' transportation. After the trial, although no moral doubt existed as to the man's guilt, a question was raised as to the sufficiency of the legal evidence upon which he had been convicted, and it was thought by some that the jury had been influenced more by the man's well-known bad character, than the facts immediately in evidence before them. The case was accordingly considered by the Executive Council, upon a petition presented by Mr. Caldwell, but during the investigation facts were brought to light which proved so conclusively Machow-Wong's connexion and complicity with pirates, that the Government declined to interfere in his favour, and the sentence was carried into effect. Since Machow-Wong's removal to Labuan, to which colony he was sent in penal servitude, his sentence has been increased by five years, as he was proved to have organised a conspiracy

spiracy for the murder of every European in the settlement and the liberation of all the convicts. Fortunately, the plot was discovered the day before that fixed for carrying it into effect by the confession of one of the convicts who could not reconcile himself to such indiscriminate slaughter.

18. Such was the character of the man with whom Mr. Caldwell admits he had a long and intimate connexion. The intimacy commenced in 1847, as Mr. Caldwell himself observes, upon the occasion of Machow-Wong being "in custody, charged wrongfully with felony;" and from that time to his transportation, a period of 10 years, the intimacy between the two was unbroken. At one time he is found acting as Mr. Caldwell's comprador; at another, building houses for him; again, as sharer in a conveying business, and still later as joint owner with Mr. Caldwell in a lorch (the Kee-lung-poo-oan), suspected of piracy, and for which vessel, by making a false declaration, Mr. Caldwell had obtained the protection of the British flag.

No. 18 in Appendix to Minutes of Civil Service Abuses Inquiry.

See Kee-lung-poo-oan case, subsequently referred to.

19. During the course of this long connexion, Machow-Wong was constantly in trouble, and many pages of the Minutes are filled with details which show how in some one or other of the various capacities in which Mr. Caldwell has acted, he exerted himself to serve Machow-Wong; sometimes as a justice of the peace, sitting on the bench; sometimes as protector of Chinese, exercising his great influence amongst the Chinese population in the same direction, giving bail himself, or finding bail for the accused, and in other ways on all occasions proving himself his steadfast friend and ally. Indeed, whenever the interests of Machow-Wong or his friends were in question, the interference of Mr. Caldwell in some capacity was prompt and decided.

20. During the trial which resulted in Machow-Wong's conviction, and afterwards, Mr. Caldwell exerted himself to the utmost for the prisoner. He assisted the counsel and attorney in getting up the defence. He gave evidence at the trial on behalf of the prisoner, and stated that "the books produced were of an ordinary mercantile character." The day after the conviction he solicited from the Governor a pardon or mitigation of the sentence, and this not proving successful, a petition, drawn up by some friends of the convict, was forwarded to the Government by Mr. Caldwell, who interested himself in support of it. He next wrote a letter, endeavouring to explain away all the suspicious circumstances in Machow-Wong's previous history, and when directed to examine the papers found in Machow-Wong's shop, reported that they contained nothing of a suspicious character, or any evidence of guilt.

No. 18 in Appendix to Minutes of Civil Service Abuses Inquiry.

Appendix (B,) to No. 18 in Appendix to Minutes of Civil Service Abuses Inquiry.

21. Great confusion and contradiction exist as to the mode in which the examination of these books was made by Mr. Caldwell and Mr. Mongan, to whom the duty was jointly entrusted; but although in consequence it is difficult to decide positively to whom the blame belongs, there is no doubt I consider as to the fact that the report made was a false one, and that most suspicious papers which could leave no doubt of the convict's dealings with pirates, and entries in which Mr. Caldwell's own name frequently occurred, were either overlooked or passed over in silence.

22. This report, and Mr. Caldwell's persistent advocacy of Machow-Wong's innocence, would, it is highly probable, have resulted in the convict being again let loose upon society, had it not been for the opportune discovery of the Beaver Papers, which in an instant dissipated all doubts as to Machow-Wong's guilt, and he was sent to Labuan to undergo the sentence passed upon him.

No. 27 in Appendix to Minutes of Civil Service Abuses Inquiry.

23. Even after this, Mr. Caldwell appears to have continued on every occasion to befriend Machow-Wong's successors and representatives as well as his old confederates. Numerous instances of this will be found in the Minutes, but one very remarkable case calls, I think, for special reference. Machow-Wong had been in the habit for many years before his conviction of demanding and enforcing payment of a considerable tax from the keepers of the fish-lans or stalls in the market, and of resorting to acts of violence if his demands were not complied with. Upon his transportation his old collectors, and supposed representatives and successors, 'Ng Cheng Cheong, and Chu Atye, known as "the Tiger without teeth," continued the collection either for the benefit of themselves or that of the convict's family. In June 1859 these men were

Extortion case in market, p. 45 of Minutes, and Nos. 43, 44, and 45 in Appendix of Civil Service Abuses Inquiry.

brought

brought up before the police court for extortion, and were sentenced to be publicly flogged in the market, and to be imprisoned with hard labour for three months. Now, it was the duty of Mr. Caldwell to collect the market rents; he consequently saw the oppressed keepers of these fish-lans almost every week, yet he positively assured the Council that no complaint had ever been made to him; that he had not been aware of the proceedings of Machow-Wong and his successors in the matter; and that he had been altogether ignorant of the existence of any extortion. It is strange that he, the protector of Chinese, should have received no complaints from the parties robbed and oppressed, and it can only be accounted for by the supposition that it was considered useless to apply to him from his known intimacy with Machow-Wong. Indeed, that it would have been useless might fairly have been imagined, when it is stated that upon the oppressed persons at last going direct to the magistrates and instituting proceedings against the extortioners, Mr. Caldwell, himself a justice of the peace, attended at the police court on the hearing of the charge, and openly defended the illegal proceedings, alleging that he imagined they were authorised by the market ordinance.

24. Machow-Wong's infamous character being then beyond all doubt, and Mr. Caldwell's long and intimate connexion with him admitted, the only question which remains is, whether Mr. Caldwell was an accomplice, or merely a dupe and tool. Mr. Caldwell's knowledge of the language and Chinese connexions through his wife gave him greater opportunities of obtaining correct information than almost anyone, and that he alone should have been ignorant of Machow-Wong's real character is inconceivable. What Mr. Caldwell really did believe is, however, not susceptible of proof; it is known only to himself; but he certainly ought to have known the man's character; and his assertion that he believed, and still believes, Machow-Wong to be an innocent individual, notwithstanding even his conviction and transportation, and subsequent proceedings in Labuan, is absolutely incredible.

25. But even if the truth of Mr. Caldwell's asserted belief in Machow-Wong's innocence were to be credited, it would, I conceive, be most dangerous to admit the sufficiency of such an excuse. Mr. Caldwell was well aware of the unfavourable opinion which was entertained of the man by every one else who knew him. Mr. Dixon, the editor of the "China Mail" newspaper, says:—

"I may say that, as a friend of Mr. Caldwell, it has vexed me exceedingly to see his connexion with such a man (Machow-Wong); and I have repeatedly spoken to him on the subject. On one occasion, the last before Machow-Wong's apprehension, I said, 'Depend upon it, you will rue the connexion with such a scoundrel.' Mr. Caldwell's reply was, 'Oh, you can frequently turn rogues to good account,' or something to that effect. He thought that he was using Machow-Wong as a tool, and I thought that Machow-Wong was using him." Nevertheless, notwithstanding repeated warnings, Mr. Caldwell persisted in a long and intimate connexion with the pirate, and by so doing has caused much public scandal and brought infinite discredit upon the Government, of which he was a trusted servant. The interests of humanity and justice also have been prejudiced to an almost incalculable extent by his proceedings, and such being the case, Mr. Caldwell cannot, in my opinion, now escape from the responsibility which belongs to him for his acts, and for the consequences which have followed them, by simply stating that he believed, and still believes, Machow-Wong to have been an innocent and persecuted individual. Such a belief, if it ever really existed, is now proved to have been erroneous; and, even assuming the truth of Mr. Caldwell's asserted belief, it would be only right that he should suffer for such blindness and want of sound judgment.

26. The remaining charges are closely connected with, and may be said indeed to grow out of the first, their object being to prove that Mr. Caldwell was not the unsuspecting friend of an innocent man, but the partner and accomplice of a notorious violator of the laws over whom he, on all occasions, threw the shield of his influence, and whose nefarious designs he assisted in carrying out, by the unscrupulous exercise of the power which he derived from his official position.

27. In support of these charges, the particulars of Mr. Caldwell's numerous transactions with Machow-Wong, and his repeated interferences in favour of the pirate,

pirate, and his friends and successors—so far as they could be ascertained—were brought before the Council, and investigated at great length. I have already, however, in a former part of this Despatch, expressed the opinion I have formed, from a consideration of all the facts elicited, as to the nature and general character of the intimacy between Mr. Caldwell and Machow-Wong, and the evil consequences which resulted from that connexion; and so I need not go over the same ground here. Nor is it necessary that I should remark in detail upon all the occurrences inquired into, and which will be found set forth or referred to in the accompanying Minutes. One case will serve to illustrate the general character of almost all, and I shall proceed, therefore, to relate a chain of very suspicious circumstances connected with a lorch, jointly owned by Mr. Caldwell and Machow-Wong, which, for convenience of future reference, I shall distinguish by the name of the "*Kee-lung-poo-oan case*."

Paragraphs 18, 19, 20, 21, 22, and 23 of this Despatch.

28. Under the Ordinance, No. 4, of 1855, passed 3d March 1855, provision is made for issuing colonial registers to vessels intended to be employed solely in trade with China, and owned either by British subjects or by Chinese residents, being registered lessees of Crown lands within the colony. On the 18th August 1855, a colonial register was taken out under this Ordinance by Mr. Caldwell, who had shortly before left the Government employment for the lorch "*Kee-lung-poo-oan*," and the register continued in force until the 17th April 1857, when it was delivered up by Mr. Caldwell, and cancelled.

29. At the June Criminal Sessions of 1857, Eli Boggs was found guilty of piracy, and was sentenced by the Chief Justice to transportation for life. In his defence, the prisoner accused Machow-Wong and Mr. Caldwell of complicity with pirates, bitterly reproaching them with his own seduction into the crimes for which he was about to suffer.

Mr. May's Summary of Boggs' Defence, Letter 20th July 1857, p. 70 of Blue Book.

30. At the August Criminal Sessions of the same year, Machow-Wong was tried upon the charge of confederating with pirates. He was found guilty, and sentenced to transportation for fifteen years. At the trial, Boggs gave evidence tending to connect Machow-Wong and the lorch "*Kee-lung-poo-oan*" with piratical enterprises.

See Judge's note No. 20, in Appendix to Minutes of Civil Service Abuses Inquiry.

31. Mr. Caldwell, in replying to these charges, denied that the "*Kee-lung-poo-oan*" was ever so engaged during the time she was registered in his name, and at the same time maintained that he had only a small share in her, and that the management of the vessel always remained in the hands of Machow-Wong, the real owner. In his letter of the 5th October 1857, reporting upon Machow-Wong's case, he states:—

"At the same time that he (Machow-Wong) purchased the '*Potomac*,' he purchased two Chinese boats, which he altered and fitted out as lorches; one of them in 1855 he wished to lengthen, but not having the money, he applied to me, and I advanced a sum of money for that purpose, and took a share in the lorch, putting her in my own name for security."

Mr. Caldwell to Clerk of Council No. 18, in Appendix to Minutes of Civil Service Abuses Inquiry.

Again, in his defence before the Caldwell Commission of Inquiry, on the 14th July 1858, he made the following statement:—

"Machow-Wong wanted 500 dollars to lengthen the '*Kee-lung-poo-oan*,' his own lorch. I advanced him this money, and, to secure myself, took out papers for her in my own name, giving him a share of the profits."

Page 187 of Blue Book.

Again, in his "*Vindication*," published in 1860, Mr. Caldwell observes, at page 34:—

"It was during this time also that I lent Wong-Akee (Machow-Wong) 500 dollars to enable him to lengthen a lorch belonging to him, for which he wished to obtain a colonial register. To secure myself for the advance, I had the lorch registered in my own name."

Page 34 of "*Vindication*."

And in his defence, made lately to the Executive Council, he stated:—

"When I lent the 500 dollars to Machow-Wong to lengthen the '*Kee-lung-poo-oan*,' I had the vessel registered in my own name to secure the repayment of the loan. The management of the vessel, however, remained with Machow-Wong, who kept the accounts of her freight and earnings, and of her disbursements, and, therefore, such bills as these would necessarily be in his possession."

Page 97 of Civil Service Abuses Inquiry.

Machow-Wong's wife also, who was one of Mr. Caldwell's witnesses before the Council, stated in her evidence :—

Pages 40, 41, of
Civil Service
Abuses Inquiry.

"The name of the lorcha chartered by Wong-Acheong from her husband was the 'Kee-lung-poo-oan.' It was chartered about the 5th year (1855). Her husband owned that lorcha until she was wrecked the year before last. Did not know whether anybody had a share in it. Had heard her husband say that Mr. Caldwell had lent a few hundred dollars to repair the vessel."

But, when making these statements denying all participation in the management of the lorcha, and disowning all beyond a very minor interest in the vessel itself, Mr. Caldwell must surely have forgotten the following declaration made by him before the Colonial Secretary in August 1855, to qualify him for obtaining the register under the terms of the ordinance :—

Declaration by
Mr. Caldwell be-
fore the Colonial
Secretary,
8 August 1855.

"I, Daniel Richard Caldwell, * * * do truly declare that the ship or vessel called the 'Kee-lung-poo-oan,' of Victoria, whereof J. B. Ferreira is at present master, being of the burthen of $118\frac{11}{16}$ tons, has one deck * * * and that I, the said Daniel Richard Caldwell, am sole owner of the said vessel; and that no other person or persons whatever have or hath any right, title, interest, share, or property therein or thereto; and that I, the said Daniel Richard Caldwell, am truly and *bond fide* a subject of Great Britain; and that I, the said Daniel Richard Caldwell, have not taken the oath of allegiance to any foreign State whatever; and that no foreigner, directly or indirectly, hath any share or part interest in the said ship or vessel."

This declaration is totally irreconcilable with Mr. Caldwell's subsequent statements as to ownership, and it follows either that the original declaration is true, in which case all the subsequent statements are false (and such denial on Mr. Caldwell's part of his own property can point but to one conclusion, considering that the vessel was accused of being engaged in piratical proceedings), or else, the statements as to Machow-Wong being the principal and managing owner are true, in which case Mr. Caldwell stands convicted, by his own showing, of having made a false declaration, for the purpose of obtaining for a notorious pirate with whom he was in partnership the protection and privilege of the British flag, which he (Machow-Wong) could not obtain for himself under the local ordinance, not being a registered lessee of Crown property. There is only the choice between one of these two conclusions, and it is difficult to say which is the most damaging to Mr. Caldwell.

32. But whatever may have been the share that Mr. Caldwell had in the "Kee-lung-poo-oan," he is anxious to show that it ceased in October 1856, explaining that the register was not cancelled until April 1857, because in October 1856 the vessel was away on a trading voyage to Cochin China, and did not return until the following April. This he has frequently asserted, once in his defence before the Caldwell Commission of Inquiry on the 14th July 1858, in the following words :—

Page 187 of Blue
book.

"Subsequently the balance of account being in his (Machow-Wong's) favour, I restored the lorcha to him in the end of October 1856, and ceased to have any further interest in her." And again, in his cross-examination on the same day :—

Page 191 of Blue
book.

"I gave up my interest in the "Kee-lung-poo-oan" lorcha in the latter end of October 1856, as mentioned in my statement of to-day; at this time the vessel was down in the Gulf of Tonquin, chartered. She did not return to Hong Kong until some time in April 1857, as can be ascertained from the harbour master's list of arrivals. I immediately procured the register from the harbour master, and had it cancelled at the Colonial Secretary's office." And in his "Vindication," published two years subsequently (1860), Mr. Caldwell repeats this statement as follows :—

Page 34 of "Vin-
dication."

"In October 1856, Wong-Akee (Machow-Wong) having repaid the loan, my interest in the vessel ceased, and I notified the same at the time at the Colonial Secretary's office at Hong Kong; but the vessel being then absent on a trading voyage to Cochin China, the register could not be cancelled, and she did not return until the following April."

But it is asserted by the officers of the Colonial Secretary's department that no notification was ever made by Mr. Caldwell at the office as stated by him, and the register shows upon the face of it that the statement as to the vessel's absence in Cochin China from October 1856 to April 1857 is a pure fiction, as the register



